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## NAVAJO OCCUPANCY

ON NATIONAL RESOURCE LANDS  
IN NORTHWEST NEW MEXICO

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NAVAJO OCCUPANCY ON NATIONAL  
RESOURCE LANDS IN  
NORTHWEST NEW MEXICO

Prepared in Conjunction with  
the San Juan and Chaco  
Management Framework Plans

April 1974

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NAVAJO OCCUPANCY ON NATIONAL  
RESOURCE LANDS IN  
NORTHWEST NEW MEXICO

I. Introduction and Summary

The northwestern region of New Mexico has historically been an area with a complex land status. This complex and often confusing land situation has resulted in conflicting land claims.

Indian occupancy on National Resource Lands (NRL) is quite widespread in northwest New Mexico, and it has significant sociological and cultural implications. Some of the unauthorized occupancy has been in existence for many years while many new dwellings are under construction. The problem is growing and is without direction as to what should be done.

This report will deal with background and other pertinent information along with the proposed solution and plan of action.

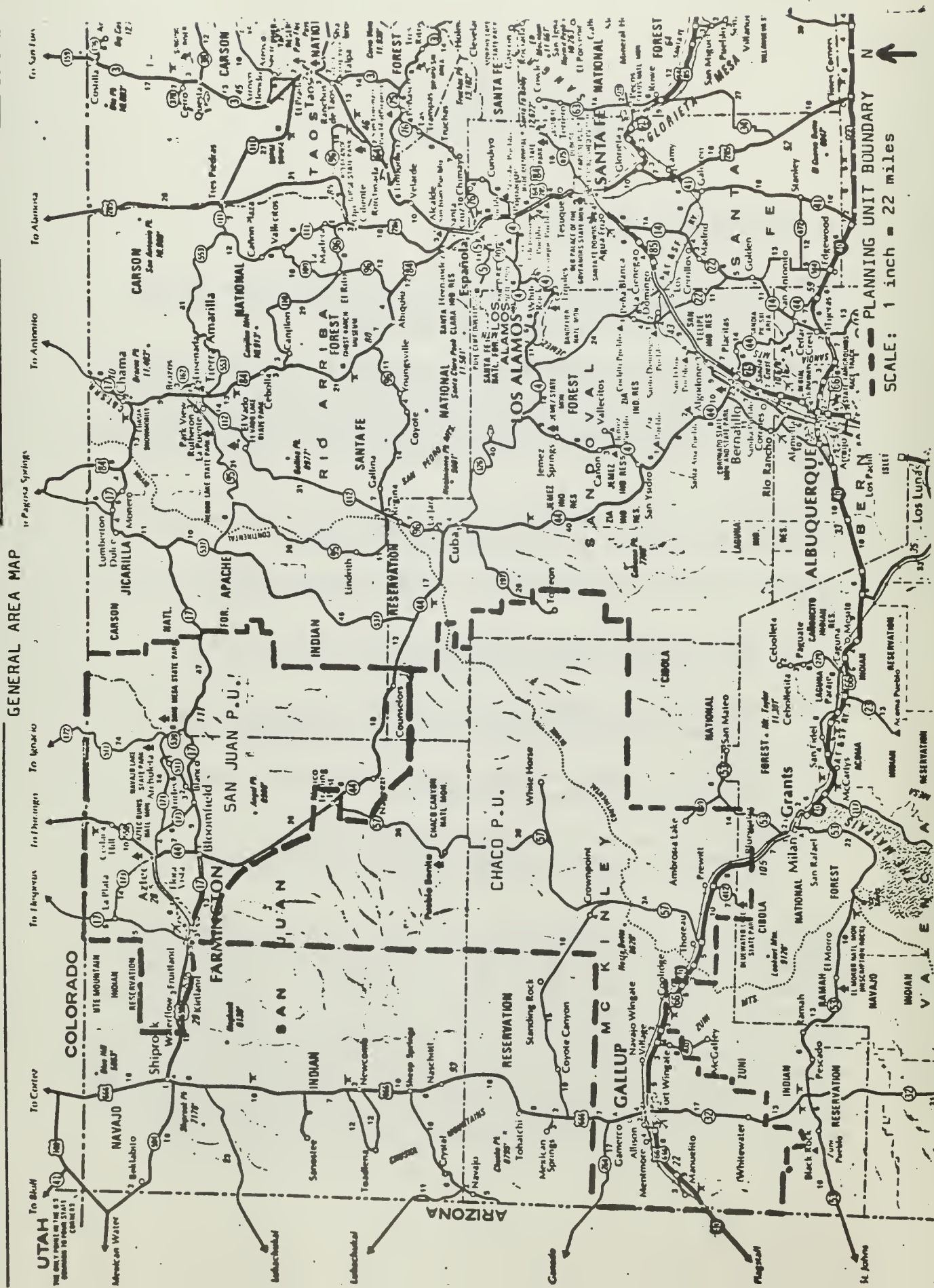
The need to reach a solution to this Indian occupancy problem is four-fold:

- 1) The use of the land is without authorization and is in clear violation of law and regulation.
- 2) The number and amount of unauthorized Indian occupancies has been increasing and will continue to increase.
- 3) There are a number of areas where unauthorized occupancy conflicts with mineral development.
- 4) Public awareness along with occupant awareness of the situation is growing and many people are expressing a desire to have the problem solved.

The BLM is currently in the process of preparing Management Framework Plans (MFPs) for the Farmington Resource Area. The Resource Area is situated in northwest New Mexico and encompasses the only area with unauthorized Indian occupancy on NRL in New Mexico. There are two planning units in the Resource Area. These units, the San Juan and the Chaco, (See General Area Map) are each programmed for MFP completion within the next six months. Thus, it is most appropriate that a decision be reached as to how Indian occupancy should be resolved. The planning system is designed for decisions such as this. To not reach a decision would be violating the integrity of the planning system and would be an abdication of BLM's responsibility as a land management agency.



# GENERAL AREA MAP





## II. Cultural and Historical Perspective

### A. Pre - Historical

The San Juan - Chaco Region has a rich cultural history. In reviewing this history, it is imperative for one to remember that not all Indian Tribes are the same but rather that differences between tribes and cultural periods are much like differences between European Countries and their cultural eras.

The region under consideration has long been considered to have been relatively unoccupied during the Paleo-Indian Period (prior to 6000 B.C.). However, recent investigations have shown an indication of Paleo-Indian settlements in Gallego, Washington and on the Chaco Plateau north of the present day Chaco Canyon National Monument.

The entire area was occupied during the Archaic Period from circa 6000 B.C. to 500 A.D. During the early Archaic Period, the people were mainly gatherers and hunters and led a nomadic type existence. The later Archaic Period saw a gradual development of agriculture. This development, in the form of experimentation and adaptation, took place from approximately 1500 B.C. up to 1 A.D. The advent of a reliable agricultural food source led to the establishment of permanent settlements, the construction of dwellings, and the beginnings of the Anasazi or Pueblo - Basketmaker Culture.

The earliest open site dwellings (as opposed to cave dwellings) of the Anasazi are found in the Upper San Juan area and indicate that the foundations of the modern Pueblo Culture were established here shortly after 1 A.D. The late Archaic and early Pueblo Periods are both marked by reliance on agriculture and on increased sedentarism. The appearance of pottery around 400 A.D., however, provides the most distinguishable reference point for identifying the true Pueblo Indian. Although the upper San Juan area appears to have been the birthplace of the Pueblo Culture, development was slower here than elsewhere in the region. The Anasazi people occupied the entire region and their culture developed most rapidly and to its highest level in Chaco Canyon. The entire Chaco Canyon river basin became heavily populated and huge structures of several hundred rooms were constructed beginning about 1038 A.D. The San Juan Region developed during this time also, but does not exhibit the frequent occurrence of large structures and the high level of cultural developments shown elsewhere.

Climatic changes beginning in the mid - 900's resulted in a general trend towards aridity in the region. These changes began to have large scale impacts on the agricultural pueblo societies and resulted

in a depopulation of the region. By the late 1300's or early 1400's the entire area was sparsely populated.

In the late 1400's or early 1500's a new non-pueblo people appeared from the northeast. These new arrivals, of the "Athabascan" culture, were the Navajo. The Navajo people split off from other Athabascans, who moved into southern New Mexico, and began to develop their own distinct culture. The San Juan area is "Dinetah" or "homeland of the people" to the present day Navajo, as existing Navajo traditions have their beginnings here. The Navajo cast off their nomadic hunting and gathering culture and became more sedentary and agriculturally dependent when they moved into the San Juan Basin near Gobernador Canyon. Thus they began a new life and soon came to think of this area as "homeland".

The Navajo have developed a distinctive culture by adopting phases of other cultures with which they came into contact. They raided Pueblo areas to the east, south and west and gradually acquired overtones of Pueblo ceremonialism and culture. In the development of their distinct culture, the Navajo became a pastoral society through the acquisition of sheep from the Spanish. From this point forward, the Navajo have almost continuously occupied the San Juan - Chaco Region.

As one might surmise, the San Juan - Chaco Region has a variety of archeological periods represented. A summation of types of sites found in five separate archeological studies is shown in Figure 1. The information presented in this figure clearly shows that there is a great variety of archeological remains from each of the major cultural periods. These survey results strongly support the position that the region has been occupied almost continuously by various cultures for 8 to 10,000 years. The San Juan area appears to have been the birthplace of both the modern Pueblo and the modern Navajo cultures.

## B. Historical

Evidence strongly supports the thesis that the Navajo Athabascan people arrived in New Mexico only a short time before the Spanish.

In 1541 Coronado encountered Querechos Indians who most likely were Apaches or Navajo. Other accounts of Querechos were reported up to 1600 when the term Navajo was originated. From 1600 on, there were numerous reports of Navajos throughout much of the northern part of New Mexico lying west of the Sangre de Cristo Mountains.

Figure 2 gives a summary of reports and historical events which show Navajo locations and activities from the earliest recording until 1805. Figure 3 shows approximate locations of Navajo settlement in

# DISTRIBUTION OF KNOWN SITES BY CULTURAL PERIOD

<u>Study</u>	<u>Archaic Percent</u>	<u>Anasazi Percent</u>	<u>Navajo Percent</u>	<u>Unknown or Other Percent</u>
1. Chaco Canyon (Judge 1972)	6%	60%	12%	22%
2. Chuska Valley (Museum of N.M. 1963-1964)	1%	82%	13%	3%
3. Utah International (1973-1974 50% complete)	18%	25%	56%	1%
4. NIIP (Draft Env. Impact Study - Judge 1973- 1974)	46%	25%	16%	13%
5. Gobernador Drainage (Transect Survey - Museum of N.M. - 1973)	-	43%	40%	17%

## EARLY NAVAJO HISTORY

SUMMARY OF HISTORICAL EVENTS  
AFFECTING THE NAVAJOS

Date	Event	Date	Event
1541	Coronado encountered Querechos on the western Plains (Hammond and Rey, 1940, p. 186). The description of this group suggests that they were Plains Apaches.	1628	Fray Bartholome Romero and Fray Francisco Munoz went to the Apaches of Quinia and Manases to baptize (Bloom, 1933, p. 226). They built a church at Quinia's rancheria but abandoned the mission as Quinia attempted to kill Father Romero (Hodge, <i>et al.</i> , 1945, p. 90). This is the first recorded failure of the conversion of Navajos to Christianity.
1582-83	Antonio de Espejo mentioned that the pueblo of Acoma was built on the mesa top due to a war which they were having with the Querechos (Hammond and Rey, 1929, p. 86). Forbes considers these Querechos to have been Navajos (Forbes, 1960, p. 57). Albert H. Schroeder (personal communication) believes they were Apaches. Espejo also describes hostilities with a group of Querechos or Corechos, near Mt. Taylor (Hammond and Rey, 1929, pp. 112-114). This appears to be the earliest reference to Spanish-Apache hostilities.	1629	Some Spanish priests went to visit the Hopi. The Hopi became afraid of the priests' intentions and secretly summoned aid from the Apaches (Navajo?), who came to Hopi and received gifts of hawks' bells, beads, hatchets, and knives from the priests (Worcester, 1947, p. 52; Hodge, <i>et al.</i> , 1945, p. 217). A reference to the Apaches being as far west as Hopi at this early date is difficult to assess. These people may have been living at some distance from Hopi. In addition there is no direct evidence that they were Navajo.
1583	The Hopis of Awatovi had enlisted the aid of the Querechos in the nearby mountains (Forbes, 1960, p. 59). These people were sent away after the Hopi made peace with the Spanish.	1629	Navajos lived one day's travel from Santa Clara (Hodge, <i>et al.</i> , 1945, pp. 86-87).
1591	Some Indians (not identified by name) stole horses from Juan Morlete (Forbes, 1960, p. 74). This is probably the earliest reference to the obtaining of horses by Southwestern Indians.	1629	Father Benavides established a mission at Santa Clara adjoining the Navajo country in an attempt to convert them to Christianity (Hodge, <i>et al.</i> , 1945, p. 310).
1598	Oñate assigned Father Alonso de Lugo to the Jemez and all the Apaches (sic) and Cocoyes of its sierras and neighborhood (Forbes, 1960, p. 80). This is the first assignment of a Spanish priest to the Apaches.	1630-80	Navajos obtained horses and sheep (Bartlett, 1932, pp. 29-30). The exact time that these important traits were acquired by the Navajos is not known. Raiding was probably the primary way they were obtained.
1608	Viceroy Velasco ordered a number of armed soldiers to put down the Apaches who were killing people and stealing horses (Hammond and Rey, 1953, p. 1059). It is possible that some of these Apaches were Navajos, as the term Navajo was not used (in any preserved document) until 20 years later.	1639	Navajos attacked Jemez and killed Fray Diego de San Lucas (Hodge, <i>et al.</i> , 1945, p. 277).
1614	Jemez Indians with some Apaches (Navajos?) killed a Cochiti Indian (Reiter, 1938, p. 29).	1641-42	The Spanish attacked the Apaches (Navajos) and forced them to accept peace (Forbes, 1960, p. 136). Schroeder (personal communication) states this occurred near Zuni and the people were Apaches.
1622	Navajos raided Jemez Pueblo, causing it to be abandoned (Amsden, 1932, p. 200). This abandonment must have been of short duration; Scholes (1936, pp. 145-146) states the Navajo raided Jemez between 1623-26. Forbes (1960, p. 115) considers this reference to be inaccurate. Instead, between 1623-26, he believes the Navajos and Jemez were at peace.	1649	Throughout this year the Navajos and Apaches kept the pueblo and frontier of the Jemez in continual unrest, and the Europeans had difficulty in maintaining the church there (Forbes, 1960, p. 144).
1626	Father Zarate Salmeron first mentioned the Navajos in a written document as "Apaches del Nabaxu" (Lummis, 1900, p. 183). At this time the Navajos were living on the upper Chama River northwest of Santa Clara (Bartlett, 1932, p. 29). The name Nabaxu is taken from a Tanoan name for a place on the Rio Grande where a group were farming. The Spanish translation was "sementales grandes" or wide planted fields.	1650	Some of the Pueblo Indians turned over horses of the Spanish to the Apaches (Navajos?) as a revolt was planned. The Spanish discovered the plot and the Pueblo leaders were hanged (Forbes, 1960, p. 144).
1628	Fray Pedro de Ortega baptised Quinia and Manases, Apache (Navajo?) chieftains who lived fifty leagues from Santa Clara and west of the Rio Del Norte (Rio Grande) (Hodge, <i>et al.</i> , 1945, pp. 89-90).	1653	Navajos raided Jemez and the Spanish retaliated with a punitive expedition (Worcester, 1947, p. 66a).
		1659	A Spanish expedition went into the Navajo province to acquire slaves. Also in this year, as a result of famine, the Apaches came into the pueblos to sell their children into slavery. The Spanish took advantage of this to seize men, women, and children alike (Forbes, 1960, p. 151).
		1663	Athapascans were forbidden by the Spanish to trade with the Pueblos (Forbes, 1960, p. 161).



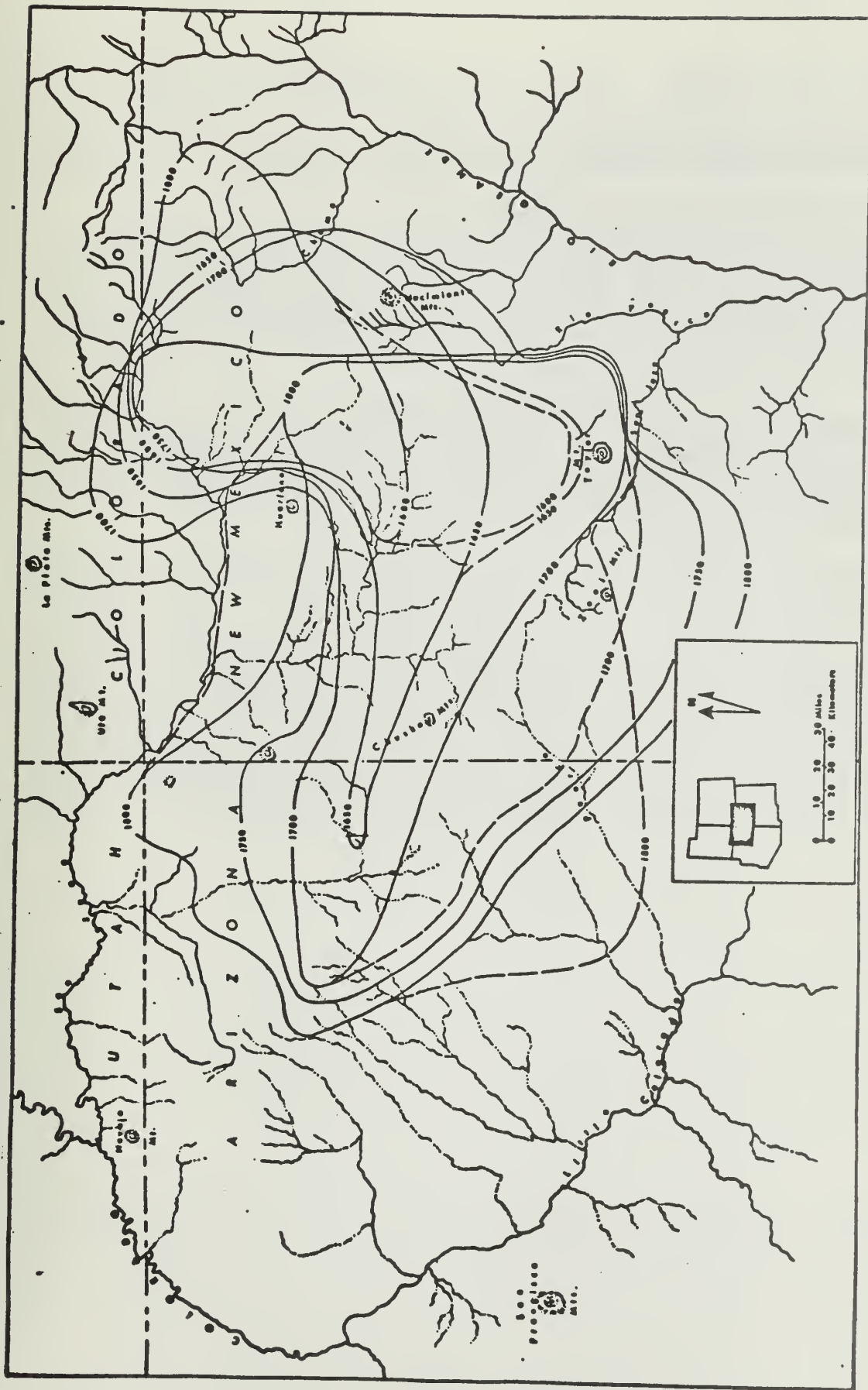
# NAVAJO MIGRATIONS AND ACCULTURATION

Date	Event	Date	Event
1666-71	There was a great famine in New Mexico which contributed to a rise of hostilities (Forbes, 1960, p. 161). Navajos attacked Hawikuh (1672) and killed the Spanish priest (Hodge, 1937, pp. 98-101). Some references state that Hawikuh was abandoned as a result. This probably was not the case. Bloom and Mitchell (1938, p. 87) state attack on Hawikuh was by Apaches.	1702	Navajos again initiated hostilities, after only four years. Later the same year a Navajo chief visited Taos to seek peace (Reeve, 1958, p. 214; Thomas, 1935, p. 22).
1673, 75, 77, 78, 1679	The Spanish campaigned against the Apaches and Navajos (Forbes, 1960, pp. 168, 171, 173, 175).	1704	Navajos, Utes, and Tewas plotted an attack against the Spanish (Worcester, 1947, p. 98).
1680	Pueblo Indians allied with the Apaches del Acho (Navajos) revolted and drove the Spanish out of New Mexico (Forbes, 1960, pp. 178-180).	1705	Navajos again were at war, but were defeated in the area northwest of Abiquiu (Thomas, 1935, p. 22).
1681	A reconquest attempt by the Spanish under Governor Otermin failed (Hackett and Shelby, 1942, pp. 202-403).	1705	On a punitive expedition to the San Juan River, Roque Madrid found that some Jemez were still living with the Navajos (Hodge, <u>et al</u> , 1945, p. 278).
1686	Navajos subdued the Cosninas (Havasupai) on the lower Little Colorado River (Worcester, 1947, p. 82). Posadas termed the former "Apacha" and Schroeder (1953, p. 46-47) states these people were actually Yavapai.	1706	Navajos raided San Ildefonso, Santa Clara, and San Juan, and the Spanish sent out a punitive expedition against them (Reeve, 1958, pp. 216-219).
1692	De Vargas returned to New Mexico to seek peace and found that most of the Pueblo Indians had fled to the mountains (Forbes, 1960, pp. 236-243).	1706-43	Twelve witnesses in the Rabal document described the Navajos as living on defensive mesa tops in circular stone houses with cribbed roofs, raising corn, having horses and sheep, and carrying on much trade with the Pueblos. The area of Navajo occupation is described as being located thirty leagues (seventy-five miles) west of Jemez, from there to the San Juan River and east to a point forty leagues (one hundred miles) west of the town of Chama. The Navajo population was stated to be 2,000 to 4,000 (Hill, 1940, p. 396).
1692	Navajos were allied with the Hopis, Jemez, and Acomas against the Spanish (Forbes, 1960, p. 238).	1708-10	Navajos frequently raided the Spanish towns during these years. The Spanish sent out five punitive expeditions against them in the year of 1709 (Thomas, 1935, p. 23; Reeve, 1958, p. 225).
1693	The Navajos murdered a boy and stole some horses in Santa Fe (Espinosa, 1934, p. 147-148).	1714	
1693-94	The Taos, Picuris, Apaches of the Colorado River, Jemez, Cochiti, and Navajos were united against the Spanish (Bailey, 1940, pp. 98, 130, 161).	1716	Cristobal de la Serna led an expedition against the Navajos (Reeve, 1958, p. 229).
1694	Zia was attacked by the Jemez, Cochiti and Apaches (probably Navajos) (Bailey, 1940, p. 161).	1720-50	This was a period of peace between the Navajos and Spanish (Worcester, 1947, p. 115). Reeve (1959) extends this peaceful interval to 1770.
1695	Most of the Rio Grande Pueblos had been defeated and the Spanish priests were returning to the pueblos. The Acomas, Zunis, Hopis and Athapascans remained unconquered (Forbes, 1960, p. 258).	1724	The Jicarillas threatened (the Spanish) to join the Navajos as protection against the Utes and Comanches (Thomas, 1935, p. 208).
1680-96	Pueblos and Navajos were again united in rebellion. As a result of their defeat at the hands of the Spanish, various groups of Pueblo Indians, including some from San Cristobal, Pecos, Santa Clara, Jemez, and Cochiti, fled to the Navajo country (Forbes, 1960, pp. 263-273). This event is the most important cause of Navajo-Pueblo acculturation. The Black Sheep and Coyote Pass clans date from this period and represent refugees from San Felipe and Jemez (Van Valkenburgh and McPhee, 1938, pp. 4-5).	1744	The first Navajos were converted to Christianity. Two priests entered the Navajo province and converted 5,000 to the faith (Hackett, 1937, p. 416). This number would appear to be somewhat overzealous as there probably were not that many Navajos at this time.
1697	Navajos were reported to be making journeys to Quivira (the western plains) to raid the French and Pawnee (Thomas, 1935, p. 13). This statement is in dispute (Reeve, 1958, p. 212, footnote).	1746	Five hundred Navajos were converted to Christianity at Cebolleta (Hackett, 1937, p. 421). This again may be an overestimate.
1698	Peace returned to New Mexico (Forbes, 1960, p. 274).	1748	The Navajos, suffering from a drought, were amenable to the missionaries' suggestion that they move south to the Cebolleta region (Reeve, 1959, p. 20).
1698	Navajos raided the Pawnee and destroyed three rancherias and a fortified place (Thomas, 1935, p. 14).	1749	Navajos requested Spanish protection against the Utes (Reeve, 1959, p. 24).
1699	The Spanish united with some Navajos to attempt to subdue the Hopis (Worcester, 1947, p. 88).	1749	Missions were established at Cebolleta and Encinal (Hackett, 1937, p. 28).
		1750	Navajos petitioned the Spanish to let them establish a pueblo at Cubero but their request was denied (Worcester, 1947, p. 130).

## EARLY NAVAJO HISTORY

Date	Event	Date	Event
1750	Navajos drove out the missionaries at Cebolleta and Enclinal and the missions were abandoned (Hackett, 1937, p.292, pp.432-434). This represents the Navajo refusal to accept Christianity, and to be reduced to live in pueblos. There were no serious efforts to convert the Navajos after this.	1786	De Anza met with the Navajos in council at Bado del Piedra and they agreed to peace terms (Thomas, 1932, pp.51-52).
1752	Utes attacked the Navajos and began to force them to the south (Reeve, 1960, p.201). This Ute pressure seems to have been important in causing the Navajos to move south but an additional cause was the drought of 1748.	1786	At this time the Navajos were said to consist of 700 families of four to five persons each. The tribe was divided into five groups and had a total of 1,000 warriors, 500 horses, 600 mares with young, 700 black ewes, and 40 cows with bulls and calves (Thomas, 1932, p.53). The five divisions were: San Mateo, Cebolleta, the Chuska Mountains, Ojo del Oso (the present Fort Wingate), and Canyon de Chelly (Bartlett, 1932, p.31). The archaeological data corroborates these geographic divisions to some degree.
1753-54	Utes forced the Navajos to abandon much of their province and move to the de Chelly area and Cebolleta (Reeve, 1959, p.20). This probably refers to Cebolleta Mountain (see footnote in reference cited).	1786	Trade between the Navajos, Pueblos, and Spanish was encouraged and regulated by the Spanish (Thomas, 1932, p.54).
1753-68	This was the period of establishment of Spanish Land Grants in the area between the Rio Puerco and San Mateo (Mt. Taylor). Several of these grants encroached on Navajo lands (Reeve, 1959, pp.30-38).	1786	During this period of war with the Apaches, the Spanish kept two interpreters with the Navajo chiefs as an aid in conveying the orders of the Spanish Lieutenant (Thomas, 1932, pp.335-343). The Navajo chiefs were paid a salary by the Spanish during the Apache campaigns (Thomas, 1932, p.353). This type of contact is interesting data for the analysis of Navajo-Spanish acculturation.
1770's	As a result of Ute pressure the Navajos began to raid again (Worcester, 1947, p.143).	1786	Some Navajos were included in an Apache raid on Arispe, Sonora (Thomas, 1932, p.344). This item reveals the distances involved in raiding. Unfortunately this reference is not completely substantiated.
1774	Navajos and Apaches forced the Spanish to abandon the Rio Puerco and Cebolleta land grants (Reeve, 1960, p.209-210).	1786	The Spanish requested the friendly Navajos to use force of arms to subdue the warlike Navajos (Thomas, 1932, p.353). This divide-and-conquer policy was dominant during de Anza's term as governor.
1774	Navajos attacked Laguna and Zia. Two punitive expeditions were sent against them by the Spanish from the jurisdiction of Albuquerque (Reeve, 1960, pp.206-207).	1787	A few Navajos raided Abiquiu and Rio Abajo (Reeve, 1960, p.230).
1775	Navajo chiefs came in peace to Laguna and Santa Fe for the exchange of captives (Reeve, 1960, p.213).	1788	Spanish, with Apache help, raided the Gila Apaches (Reeve, 1960, p.232). Again evidence of the divide-and-conquer policy.
1775-80	This was another period of peace (Reeve, 1960, p.213).	1792	Utes and Navajos raided a Comanche buffalo camp on the plains (Reeve, 1960, p.234).
1776	The Dominquez and Escalante expedition traveled around the entire perimeter of the Navajo country (Auerbach, 1943; Harrington, 1940, p.515). As a result, the map made by Miera y Pacheco is the most accurate map of the Navajo province to that date.	1793	Gila Apaches raided the Navajos and killed Antonio El Pinto, the primary Navajo chief (Reeve, 1960, p.234).
1777	The Gila Apaches and Navajos formed an alliance (Worcester, 1947, p.160).	1796	A Navajo uprising and alliance with the Gila Apaches was reported (Twitchell, 1914, no.1366).
1780	Navajos, again at war, attacked Acoma (Reeve, 1960, p.217).	1796	Cordero states there were ten Navajo settlements: Sevolleta, Chacoli, Guadalupe, Cerro-Cabezon, Agua Salada, Cerro Chato, Chuska, Tunicha, Chella, and Carrizo (Matson and Schroeder, 1955, p.356).
1780	Forty Hopi families fled to the Navajos, who killed the men and took the women and children prisoners (Thomas, 1932, pp. 29, 232). This seems to have been a typical Navajo method of augmenting their numbers.	1800	A Spanish expedition to Tunicha (near the Chuska Mountains) resulted in the Navajos asking for peace (Twitchell, 1914, no.1492).
1783	Navajos raided the Queres pueblos and the Abiquiu area (Reeve, 1960, p.218).	1804	Navajo hostilities were again reported at Jemez, Laguna, and Cebolleta, and Lieutenant Narbona was ordered to pursue the Navajos (Twitchell, 1914, nos. 1712, 1730, 1767).
1784-85	The Spanish under de Anza succeeded in breaking the Navajo-Gila Apache alliance (Reeve, 1960, p.218). After this, the Navajos were united with the Spanish against the Apaches.	1805	Lieutenant Narbona defeated the Navajos in Canyon de Chelly and the Spanish and Navajos agreed to terms of peace (Twitchell, 1914, nos. 1792, 1828).
ca. 1785	De Anza attempted to establish a mission among the Navajos (Thomas, 1932, p.374). This effort was not successful.		
1785	The Spanish forbade the Navajos to cross south of the San Jose River, the boundary between them and the Gila Apaches (Thomas, 1932, p.259).		With the peace agreement of 1805, the Navajos ceased to be of much interest to the Spanish during the remainder of their rule in New Mexico. As a result, this seems to be an appropriate point to end this summary of events.





Reconstruction of Navajo settlement at fifty year intervals, 1600-1800.

New Mexico from 1600-1800. Tree ring dates from Navajo sites generally show the earliest occupation to have been in the late 1600's and the 1700's. Several dates go back as far as 1350 but these are unreliable and may not be accurate enough for precise dating purposes.

Population estimates of Navajo occupation date back to the late 1600's. It is estimated that 840 Navajo people inhabited the upper San Juan locality during the period 1698-1775. Estimates for the period 1706-43 give the population as from 2,000 to 4,000. In 1863 there were 7,300 Navajos at Fort Sumner with that figure growing to 9,000 in 1869. Based on these figures it appears that the Navajo population was growing at roughly a 2% rate annually. Other information shows that it continued at this same rate until the mid 1900's.

Navajo occupation of the San Juan - Chaco Region has been almost continuous since the people first settled there in what was probably the late 1400's. With the exception of the time when a large percent of the population was in captivity at Fort Sumner, the Navajo has occupied the northwestern part of New Mexico.

### III. Land Status Background

Within the San Juan - Chaco Region there are many land status questions and problems most of which involve Navajo use areas. The majority of these problems are in the Chaco Planning Unit and are still being investigated.

In the San Juan Planning Unit the majority of the land is NRL. There are 1,450,000 acres of land in the unit of which 970,000 acres are NRL. Twenty eight thousand acres are in Indian ownership or trust status. Most of the Indian lands within the San Juan Planning Unit were acquired as 160 - acre allotments of public domain under the authority of General Allotment Act of February 8, 1887.

Approximately 70,000 acres within the San Juan Unit were at one time Navajo Reservation Lands. Executive Order (E.O.) 709 of November 9, 1907 extended the boundaries of the reservation eastward to include this area. This E.O. was superseded by E.O. 1000 of December 30, 1908 which restored the lands to public domain status.

The land status in the Chaco Planning Unit is not so easily explained or understood. The Chaco Unit is in what is commonly referred to as the checkerboard area. Ownership and administration of lands is split between the Navajo Tribe, Bureau of Indian Affairs, and Bureau of Land Management. This area contains lands under direct ownership or administration of these agencies and lands which are in various types of split administration and under various withdrawals. Much of the land was designated as Navajo Reservation by E.O. 709 and was later returned to its previous status by E.O. 1000. However, land status records still list some lands as withdrawn for Navajo Indian Reservation. Numerous other withdrawal orders have been made for the purpose of setting lands aside for Indian use. Many of these withdrawals have caused a situation of divided jurisdiction.

#### IV. Present Situation

The present situation on the Off-Reservation Navajo Use lands is a direct result of the past.

We have seen that the Navajo has lived in the presently occupied area for approximately 475 years. The status of the lands has been confused to the point of being almost undeterminable except by a few. Occupancy has existed on these lands in ever increasing numbers and no positive action has previously been taken to resolve it. The Navajo Tribe has expressed its strong desire to expand the holdings of the Navajo people and is pursuing land claims for all of the affected areas.

The occupancy on NRL in the Off-Reservation Use areas has not been the result of mass migrations from the reservation. Rather, it is a result of growth within the Off-Reservation Navajo Community. Records indicate that the Navajo population in the area of consideration has been rapidly increasing. In 1951, information shows the Navajo population to have been roughly 14,000. Nineteen sixty four projections from Bureau of Indian Affairs census records estimated the number to be around 22,000. More recent estimates are that the Off-Reservation Navajo population is close to 40,000 persons.

Recent population growth figures estimate the Navajo population to be growing at 3% per year. This is one of the most rapid increases of any population group in the world. This rapid growth rate is better viewed as a sociological phenomenon when one considers that the U.S. as a nation has recently achieved a lowering of the growth rate to that necessary for population replacement or a zero growth rate. The Navajo growth rate will result in a doubling of their population every 23 years.

Thus, the number of people has been growing and along with this has been a growth in unauthorized occupancy. The Navajo way of life has remained unchanged in many respects for many years. People still have their flocks of sheep and goats and frequently move from place to place within a given area. Many of the old traditions and beliefs regarding the Navajo's ties to Mother Earth are still adhered to even though this may not be obvious when one views the condition of natural resources in Indian use area. The Navajo has strong ties to a family group and to the family home. Many of the Navajos who live and work away from their family groups consider this to be temporary. The family provides a security system that sustains the Navajo in time of need. This group may not be as strong as it once was, but it still forms the basis for their culture.

Inventory information shows that there are 140 occupancies by Navajo Indians on NRL in the San Juan Planning Unit. Inventory figures give the number of occupancies in the Chaco Unit as 1295. Thus, the total number of unauthorized Indian occupancies involved in this study is 1435. This figure is, most assuredly, not totally accurate. It is, however, the best estimate

which can be obtained and is at least 90 - 95% accurate. No attempt to gather census type information about Navajos living over a large area has ever been completely accurate.

Studies have estimated that there is an average of 5.5 persons per hogan or residence. This then would give an estimate 7892 Navajo people living on National Resource Lands.

Some of the occupancy is located in areas where it will interfere with mineral development. Inventory information shows the following number of occupancies in conflict with mining areas:

#### Coal

Leased Lands -	28	occupancies
Prospecting Permits -	2	occupancies
Applications for preference right leases -	44	occupancies
Other Strippable Coal* -	395	occupancies

#### Uranium

##### Potential Uranium Extraction

Areas - Undetermined	occupancies
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<u>TOTAL</u>	469
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\* as shown on Chaco URA overlay which is coal-generally- to a depth of 250 feet.



## V. Alternatives

At first glance, the resolving of this complex situation appears to be straight forward and free of complications in view of the alternatives suggested in previous studies. These alternatives, established by law, regulation and Departmental and Bureau guidelines, have been available for use for many years. However, they have not been used in an effective manner in the past as a means of resolving this problem. The alternatives basically are: (1) Legalizing the occupancy through Color-of-Title determination; (2) legalizing the occupancy by sale or lease of the lands to the occupant; (3) enactment of special legislation; (4) taking trespass action against the occupant using legal procedures to cause eviction and removal of improvements; (5) ignoring the situation, taking no action and leaving the matter in status quo; (6) exchange of lands with BLM accepting other lands in return for the occupied lands; or (7) using a combination of the above.

Each alternative has its own specific complications, both before taking action or after implementation. Before each alternative is discussed in detail, it is felt necessary to recognize general problems which have compounded the situation in the past and which will undoubtedly continue to hinder any solution.

1 - A Language Barrier - Many of the occupants do not speak or understand enough English to communicate with the Non-Navajo World. BLM has the same problem in not understanding the Navajo language. Interpretation is essential, but still, much is lost in the translation.

2 - Lack of Understanding - BLM does not have the full knowledge of native customs, beliefs or habits to recognize their significance in our decision making. These religious, social and political traditions are of utmost importance to the Indian.

3 - Lack of Communication - This is a very critical problem, which exists not only between the individual Indian and the Tribal governing bodies but is very prominent between agencies, such as Navajo Tribe, Bureau of Indian Affairs and BLM. The BLM has been unsuccessful in obtaining information on even the more local, specific situations from both BIA and the Navajo Tribe. BLM lacks knowledge of their organizational structures, delegation of responsibility and programs. The Tribe and BIA in turn are not fully knowledgeable of our administration.

4 - Population Growth - While the national population growth has almost reached a leveling off stage, the Navajo is the fastest growing population in the world, experiencing a 3% increase per year over the last few years. At this rate, population doubles every 23 years.



(alternatives - continued)

5 - Land Status - BLM records are cluttered with numerous transfers of land, withdrawals, reservations, revocations, acquisitions, and title reversions which confuse land tenure rights. Often the records do not indicate who has jurisdiction over either the surface or the subsurface. The confusion is made more evident by a similar or worse condition in BIA and Indian records.

6 - Lack of Specific Guidelines - The Indian occupancy problem has national implications. It has been recognized as being unique and certainly one warranting specific and special guidelines in order to avoid adverse public reaction. We have no clear cut guidelines to handle this specific problem on a local level.

7 - Time - The problem has existed for a long period. Passage of time without action has resulted in an increase in occupancy, most likely encouraged by our failure to do anything concrete and clear cut to correct or curb this activity.

These by no means are all of the general problems but are considered as major ones which have caused past inaction on the problem. They will also influence any implementation of the following alternatives for solving the problem:

1. Legalizing the existing occupancy through Color-of-Title determination - It is very doubtful that these individuals would be able to furnish documents that prove the duration of occupation.

2. Legalize through sale - This will eliminate an unauthorized occupancy on BLM records, give title to the occupant and eliminate the need to relocate the occupant or remove developments. It is the most expeditious and least costly of any method which passes title. On the other hand, there will be a loss of acreage to all other U.S. citizens. Sale will create conflicts with resource programs such as control of livestock grazing, wildlife habitat management, watershed control, and will cause a decrease in aesthetic and open space quality. Sale of some of the lands involved will interfere with mining operations, especially coal strip mining which requires surface utilization. Sub-surface mineral exploration activities will bear the burden for settling surface damage with the new owner. Recreational activities will be affected through either the loss of the land or blocking of access to other areas.

Socially, this will create problems. Most important will be the occupant's reaction. His question may be, "why buy what is now rightfully mine?". If the occupant acquires title, society will be expected to provide additional facilities, such as utilities, better and safer highways, law enforcement protection, parks, schools, dump sites, etc.

(alternatives - continued)

BLM can expect complications. Under 43 CFR 2091.5, no application by other than the Indian occupant can be processed until the occupancy is resolved. The individual Indian cannot be assumed to be financially able to buy the land. The Navajo Tribe cannot directly purchase the land, therefore, the Tribe will need to assume the position of being an agent or of providing financial means to the occupant.

Sale of the lands will necessitate additional manpower and funding by BLM. Cadastral survey will be necessary as well as determinations as to how much acreage will be involved. Classification action, appraisal and adjudication workloads will be increased. Title passage may set up a precedent which encourages further occupancy. Public sentiments may become aroused because of preferential treatments and the whole-sale disposition of Federal Land. Also, under existing regulations there is no assurance that the occupant would be successful in obtaining title.

Finally, the acceptance of title to the lands by the occupant does not assure BLM of his continued ownership and residence. Unless the land is held in trust, there is the danger of loss of the property through defaulting tax payments or through resale.

3. Legalize through lease - Basically this has the same problems and repercussions as sale with only slight modifications. BLM will continue to be the land owner but will be obligated to lease to a continuous tenant, i.e., for the life of the lessee. This alternative does not face the issue or the problem. It will require constant surveillance by BLM for an indefinite period. There is the danger, to both the tenant and BLM, of cancellations because of non-adherence to lease conditions. Also, there is no provision for progeny of the current occupant.

4. Legalize through legislation - Special legislation could be introduced and if enacted would result in title transfer to the occupant. This resolves the occupancy problem with the loss of national resource lands. We can expect the same problems and repercussions discussed previously. However, there is no assurance that special legislation will pass. Public pressures can be expected to considerably prolong the passage of legislation if not directly causing non-approval. Past legislation has not proven effective. Proposed legislation on similar problems involving land transfer to Indians is meeting stiff opposition. We can look at the Hopi-Navajo land dispute or the Church Rock-Two Wells proposal as examples of frustrating legislative attempts in resolving similar problems.

This method is undoubtedly the most costly and time consuming of all methods of legalizing the occupancy. It also is, at this time, a method which offers no assurance of implementation.

(alternatives - continued)

5. Trespass action - Eviction and Removal of Improvements -

A fifth alternative to consider is taking trespass action against the occupant, ultimately resulting in eviction and removal of improvements. This will eliminate the occupancy without loss of national resource lands and permit the implementation of resource programs without the conflict of occupancy. Mineral and mining activity would then only be subject to BLM stipulations insofar as surface damage is concerned. The problems and repercussions discussed under legalization of the occupancy would not be present.

The major concern will be the disposition of the occupants. These people will have to be accommodated somewhere or they may possibly relocate on other national resource lands. Eviction may necessitate legal action beyond the scope of administrative procedures. Removal of improvements may become a problem if they are not removed by the occupant.

In trespass action, we must consider the reaction of the general public as well as the Indian. We can expect much public sympathy for the evictee and we can also expect limited public support.

6. Taking no action - A sixth alternative would be to ignore the problem and leave the situation as it is. This is not a solution but merely a prolonging of the problem. Inaction would probably encourage additional occupancy, thus complicating the issue. It is no secret that the Indian is receiving Federal funding to construct new homes or to renovate existing ones without any genuine concern for land ownership. Attempts to curb this have been unsuccessful. Ignoring the problem does not complement the Bureau's planning efforts as planning decisions must be adjusted to recognize the unauthorized occupancy.

Lack of action will not resolve existing problems such as one in which a mining company ready to strip mine under a BLM lease is finding itself stymied by unauthorized occupancy.

Taking no action is also contrary to the general public's increasing concern, their desire to have the problem resolved, as well as the occupant's own desire to know where he stands.

7. Legalize through exchanges - This passes title to occupant, eliminating the trespass and the need to relocate or cause removal of developments. Title transfer will present the same problems as a sale would insofar as the occupied lands are concerned. However, an exchange, under our present philosophies and policies would assure that the loss of NRL would be compensated by other lands which will enhance or augment our management programs. An exchange program can be expected to receive favorable public opinion.

8. Combination of any of the above - This alternative could involve any combination of all or part of the above possibilities.



## VI. Recommended Solutions

We will first eliminate the alternative which ignores the problem and takes no action. We recognize this is not a solution, - that some type of action is necessary and to avoid action only complicates the already complex situation. This leaves us with the alternatives of legalizing the occupancy, of eviction and removal of improvements through trespass, or a combination of either.

The course of action to solve this problem will be more successful if we first take the approach of legalizing those occupancies which do not greatly interfere with significant public resource values or do not conflict with other present or anticipated use of the lands. Our resource analysis indicates the major portion of the occupancy falls within this category. This approach, not only will resolve the biggest portion of the occupancy but will pave the way for resolving the others, through other means.

In resolving the occupancy, we must first consider the possibility of the occupant acquiring ownership under Color-of-Title. Color-of-Title will be pursued if the occupant has a claim of, (1) 20 years of peaceful, adverse possession in good faith, on which valuable improvements have been placed or on which some part has been reduced to cultivation or, (2) having held in good faith in peaceful, adverse possession by himself, ancestors or grantors under a claim of Color-of-Title commenced prior to January 1, 1901. Color-of-Title requires occupant to furnish evidence of improvements, cultivation, conveyances of title, tax payments and related matters which will support his purported claim to title.

The voluntary relocation of some people and their improvements is a possibility. Some of the occupants are on NRL adjacent to their Trust Land or private land. It is believed that many of these people will want to move to their own land. Thus, as many people as possible should be moved in this manner before any further steps are taken to legalize the occupancy.

Legalizing the occupancy unresolved by Color-of-Title or movement will be accomplished through the exchange provisions set forth in Section 8 of the Taylor Grazing Act. These procedures involve the exchange of lands where the Bureau of Land Management will accept other private lands in trade of the occupied lands. The land being offered must benefit national resource management programs. There must be full assurance that public values in the selected lands do not outweigh the values within the offered lands.

This method is most appropriate as it falls within the scope of Departmental and Bureau policy and philosophy. The loss of NRL will be offset by acquisition of lands which have been identified as necessary to enhance or augment

(recommended solutions - continued)

resource management programs. Furthermore, these exchanges along with Color-of-Title determinations, are the only methods that will not create public opposition.

This exchange program must have full cooperation from The Navajo Tribe if it is to be effective. The individual Navajo is generally unable to cope with the complexities involved in exchanges. He does not have the financial means or technical know-how to acquire private holdings to use as offered lands. The Tribe may have to secure private lands to offer in exchange. Individual occupants would have to assign the Tribe as their agent.

Not all of the occupancies are free to be legalized by granting title to the occupied lands. There will be situations where conflicting uses, present and anticipated, will demand that the occupant vacate the premises. Again, the exchange procedures are considered to be appropriate except that in such cases, the occupant must relocate to other lands secured through exchange or to other Navajo holdings. The Navajo Tribe will again be most instrumental in accommodating the relocation with full cooperation from BLM.

We suggest that all new construction on NRL be thwarted by including the value of improvements in the appraisal for exchange.

Appraisals on exchanges involving lands upon which improvements existed, as shown on the 1973-74 BLM inventory, will not include the value of improvements. The only exception will be demonstrated proof that the improvements existed as of May 1, 1974. This proof must be submitted before July 1, 1974.

BLM must consider the possibility of taking trespass action in some cases. One case in particular would be occupancy after the cut-off date. Another would be where it is obvious that the occupant refuses or ignores the opportunity to enter into exchange agreements. We must leave trespass proceedings as an avenue to discourage further occupancy.

The above recommendations are felt to be the most appropriate and feasible. Full consideration has been given to sale or lease of the lands under existing public laws such as small tract, Indian allotment, Public Sale, Townsite Sales, Homestead Entry, Desert Land Entry; and temporary permits such as Special Land Use Permits and Section 4 Permits under the Taylor Grazing Act. These are public laws which are generally outmoded, will not resolve the occupancy, and in general would suggest preferential treatment to a selected group. Some of these would mean loss of National Resource Lands while others are temporary in nature and demand future continued surveillance and funding.

## VII. Plan of Action

This plan of action is developed to implement the recommended solution (Color-of-Title or exchange). The plan includes general information as to time requirements, sequence of actions to be taken, responsibility for actions and estimated costs in terms of dollars and man months. It is recognized that certain details will need to be worked out and that some minor changes may be necessary once actual work begins. It is also imperative that the recommended solution and this plan of action be reviewed with the Navajo Tribe and BIA and that their cooperation be obtained.

### Phase I - Agreements, Dates, Notification

A. Action - Secure BIA and Navajo Tribe cooperation in resolving the problem. This would include an agreement with the Navajo Tribe (TNT) and BIA to suspend house construction and homesite permits on NRL.

Time Required - 15 days

Responsibility (Percent) - Equally split between BIA, TNT, and BLM.

BLM costs - \$750 and .5MM

B. Action - Establishment of a cut-off date after which all new construction will be trespassed. This date will actually be established during the cooperation phase above and will be published and enforced after an agreement is reached.

Time Required - Unknown

Responsibility (Percent) - Total responsibility (100%) for enforcement will be with BLM.

BLM costs - Unknown

C. Action - Notification of occupants about the program to legalize or relocate their unauthorized occupancies. This would require meetings with Navajo Chapters, the sending of letters, distribution of posters and house to house contacts.

Time Required - 45 days

Responsibility (Percent) - BIA - 40%, TNT - 40%, BLM - 20%

BLM costs - \$3000 and 2MM



(plan of action - continued)

Phase II - Determination of what action for each occupancy

A. Action - Request for voluntary relocation to allotments, Trust Lands or Tribal Lands and notification sent to BIA and The Navajo Tribe of the occupied lands which must be vacated. No exchange proposals will be accepted for the following lands:

1. Mineral lands on which surface occupation will interfere with the exercise of mineral rights. This will involve only, strippable coal and certain uranium areas.

2. Lands with high resource values which are needed for a program to directly benefit the general public. No such areas with occupancy have been identified at the present.

Time Required - 5 days

Responsibility (Percent) - BLM - 100%

BLM costs - \$350 and .25MM

B. Action - The filing by The Navajo Tribe of Affidavits for each occupancy and a legal description of land which the Tribe wishes to acquire by exchange. The affidavits and information which will be required are not formalized at the present. At a minimum, they will require enough information to determine whether a claim of Color-of-Title may exist, and whether voluntary or mandatory relocation will be followed.

Time Required - 60 days

Responsibility (Percent) - TNT - 90%, BLM - 10%

BLM costs - \$750 and .5MM

C. Action - Evaluation of affidavits and selected lands; determination of what occupancies are not included and their relocation status; and reply to BIA and The Navajo Tribe.

The evaluation will be for the purpose of establishing if any possible Color-of-Title claims exist. Any occupancies not covered by a Color-of-Title possibility, a selected land description, a voluntary relocation or mandatory relocation, will be considered for trespass action.

The reply to the BIA and Navajo Tribe will include:

1. Listing of Color-of-Title possibilities and notification of a time limit for submitting applications.

(plan of action - continued)

2. Listing of voluntary relocations with time limit for relocation.
3. Listing of mandatory relocations with time limits for relocation.
4. Notice of any necessary modifications of the proposed selected lands.
5. Notice of trespass for those occupancies not covered by any authorization or relocation proposal.
6. Listing of acreage which BLM wishes to acquire equal to three times the proposed selected acreage.
7. Preliminary estimate of value by parcel for the proposed selected lands.

Time Required - Evaluation determination and reply to BIA and TNT - 45 days

Responsibility (Percent) - BLM - 100%

BLM costs - \$6000 and 4MM

Phase III - Resolution of each problem

The following actions in this phase can all take place concurrently. Therefore, the total time required for this phase will be the longest time needed for any single action.

A. Action - Submission of Color-of-Title applications by The Navajo Tribe and individual occupant. BLM efforts will be required for adjudication, land reports, EARs and appraisals. It is believed that Color-of-Title claims will be minimal if any. A 60 day time limit for filing will be established.

Time Required - 60 days for filing  
10 months for processing by BLM  
Total 1 year

Responsibility (Percent) - TNT - 15%, BLM - 85%

BLM costs - \$1500 and 1MM

(plan of action - continued)

B. Action - Those occupancies for which a Notice of Trespass was issued will be pursued to obtain eviction of the occupant and removal of improvements. It is anticipated that very few occupancies will actually be trespassed.

Time Required - 1 year for final disposition of all trespasses.

Responsibility (Percent) - TNT - 10%, BLM - 90%

BLM costs - \$15,000 and 10MM

C. Action - Voluntary relocation which will involve the moving of those people who wish to go to their own land or to other Indian lands. Funds and manpower can be provided by BIA and The Navajo Tribe.

Time Required - 1 year

Responsibility - BIA - 30%, TNT - 50%, BLM - 20%

BLM costs - \$3000 and 2MM

D. Action - The mandatory relocation of these occupancies located on high value mineral lands or other lands needed for BLM programs. This relocation can be to lands secured by exchange or by methods similar to those used in relocating persons in the Navajo Indian Irrigation Project. Relocation would be funded by The Navajo Tribe.

The occupants to be relocated on lands which the Tribe will acquire by exchange will need more time for completion of the move than the others. This is due to the time needed for processing an exchange. This will also necessitate a high priority being placed on exchanges involving mandatory relocation.

Time Required - 1 year if no exchange is involved.

3 years maximum if an exchange is needed. Times in strippable coal areas would be set in accordance with the mining plans.

Responsibility (Percent) - BIA - 25%, TNT - 40%, BLM - 35%

BLM costs - \$12,000 and 8MM

E. Action - Exchange of NRL on which Navajo Indians reside for lands offered by The Navajo Tribe. Within 2 years after the receipt of the listing of lands desired by BLM, the Navajo Tribe will be required to submit a firm proposal of offered lands for exchange.

(plan of action - continued)

The BLM will review the proposal or proposals and notify The Navajo Tribe of any necessary modifications. Classification, appraisal, adjudication and other formal processing of exchanges will be pursued by BLM on a high priority basis.

Time Required - 2 years for submission of exchange proposal by TNT  
3 years for processing to include issuance of title by  
BLM

BLM costs - \$120,000 and 80MM

# Summarized Plan of Action

## Phase I

Secure Cooperation

15 day

Out off Date

?

Notification

45 day

## Phase II

Request for relocation &

Notification of Lands to be vacated

5 day

Filing

60 day

Evaluation determination

& reply

45 day

## Phase III

Color of Title

Application

60 day

Processing

10 mo

Trespass

1 yr

Voluntary

Relocation

1 yr

Mandatory Relocation

No exchange

1 yr

Exchange

3 yr

Exchange

firm proposal

2 yr

3 yr

processings

## TOTALS

Phase	Time	BLM Cost	BLM MM
Phase I	60 days minimum	\$3,750	2.5
Phase II	110 days minimum	\$6,750	4.5
Phase III	5 Years	\$151,500	101
Totals	5½ years	\$162,000	108

Trespass all new occupancy on NRL

Figure 4

## Comments

- Phase I - This phase will cause some discomfort and resentment among Navajos. It is estimated that 90% of the occupants will be cooperative and willing to resolve the problem. The initial exposure of the plan of action with the relocation of some people may create some national concern. It is expected that with BIA and Navajo Tribe cooperation there will be no new construction after the cut-off date as funds and help will be unavailable.
- Phase II - This will in all probability cause no significant problems if BIA and Tribal cooperation is secured. This is primarily an information gathering and inter-organization communication stage. No significant public concern is expected as a result of Phase II.
- Phase III - Few problems are expected with occupants who could be accommodated by exchange. An estimated 95% of the people are expected to cooperate. If mandatory relocation is required there will be resentment. If many people are relocated, a great deal of national attention could be expected. However, The Navajo Tribe and BIA are now relocating people on the Irrigation Project with little adverse reaction. Thus, it is imperative to have Tribal and BIA cooperation along with good local dissemination of information.



## Additional Workload and Impacts on BLM Programs

The resolution of the Navajo Indian occupancy will result in a substantial workload. The time of several Realty Specialists now on the District staff will be almost wholly devoted to this project. In addition, one more Realty Specialist and one Navajo Interpreter will be needed to work full time. Additional workloads will also be caused for all staff specialists in providing information for evaluating the exchanges and preparing Environmental Analysis Records. The Area Manager and District Manager will be required to spend substantial time in coordination and in monitoring the program.

State Office workloads will be increased in the appraisal, cadastral survey, lands adjudication and possibly the cartographics sections. Additional review will be necessary from the Planning Coordination Staff and from the Division of Resource Management.

## Pictures Showing Typical Indian Houses

Picture No.	Description	Legal Description
125	Traditional Hogan	T.24N R.8W S.3 SW $\frac{1}{4}$
214	Traditional Hogan-under construction	T.24N R.8W S.29 NW $\frac{1}{4}$
314	Traditional Hogan	T.23N R.8W S.30 NW $\frac{1}{4}$
15	Shack	T.29N R.13W. S.33 NW $\frac{1}{4}$
116	Frame-Stucco House	T.25N R.9W. 33 SE $\frac{1}{4}$
212	Frame-Stucco House	T.24N R.8W. 29 NW $\frac{1}{4}$
308	Frame-Stucco House-under construction	T.23N R.8W 27 NW $\frac{1}{4}$
303	Pole-Frame House under construction	T.23N R.8W 27 NE $\frac{1}{4}$

9230

A-12

February 26, 1973

District Manager, NM-1

Area Manager, FRAH

## Indian Occupancy Trespass

The names listed below are individuals who received subsistence or loans from the HITP in Crownpoint, New Mexico. The money is used for home construction and/or home improvements. The locations given are natural resource lands where the improvements were made.

The information was obtained from Mr. Jack Notchissney's office. He is the Housing Officer for the HITP in Crownpoint.

<u>NAME</u>	<u>YEAR APPLIED</u>	<u>LOCATION</u>
Frances Norberito	1972	T.22N.,R9W.,Sec. 33 NE $\frac{1}{4}$
Jim Hugh	1972	T.24N.,R8W.,Sec.20SE $\frac{1}{4}$
Ben Willie	1972	T.24N.,R10W.,Sec.31SW $\frac{1}{4}$
David Miller (NIIP)	1971	T.27N.,R.11W., Sec. 5
Sam Bitsilly	1971	T.24N.,R.10W.,Sec. 4, SE $\frac{1}{4}$
Lewis Yazzie	1973	T.26N.,R.11W.,Sec. 21 SW $\frac{1}{4}$

Phil,

Weddle:  
sat

9230 A-12

District Manager, NM-1

June 22, 1973

Area Manager, Farmington Resource Area, FRAH

## Construction of Indian Dwelling in Trespass.

A half constructed dwelling was discovered in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 6, T25N., R.10W on June 14, 1973. According to a sign placed at the site the house is being constructed through the Navajo Pre-Vocational Training Program (NFVTP). Those constructing the house were not at the site and it is not known at this time who the owner is.

I called Crownpoint concerning the matter and was referred to Morris Claushin at Window Rock. He referred me to Richmond Hobson at Shiprock. He referred me to George Young at Window Rock who was not in. I then talked to his assistant, Theodore Evans. He referred me to a Mrs. Yazzie with the Office of Navajo Economic Opportunity in Shiprock. She referred me to Mr. Manulito in Shiprock who referred me to Mr. Molone in Crownpoint. I am now back to where I started and have found out nothing.

We would be more than glad to work with any of these agencies in checking land status before building permits are issued. It may be a good subject to talk about on July 12, the next ENAAC meeting.

Phil,

Kirk:sat

UNITED STATES GOVERNMENT

D

# Memorandum

9230 A-12

**TO :** District Manager, NM-1

**DATE:** March 14, 1974

**FROM :** Area Manager, Farmington Resource Area Headquarters

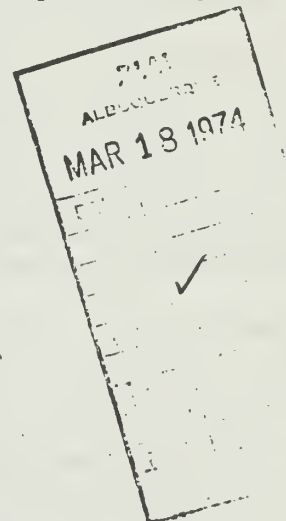
**SUBJECT:** Indian Occupancy Trespass

It appears we are still having a problem with the Bureau of Indian Affairs in Crownpoint giving false information concerning "homesite leases" on national resource lands. An example of this occurred Tuesday morning, March 12, 1974, when Mr. Joe Dennison talked to Elenore about a "homesite lease". Mr. Jack Nafchesney of the Better Home Improvement Agency, Bureau of Indian Affairs, had told Mr. Dennison that we would issue such a lease to authorize the home he is presently building on national resource lands. Mr. Dennison said that he understood Mr. Nafchesney to say that this had been done before. Mr. Dennison also showed a list of materials that the Bureau of Indian Affairs had provided him to build his home. He indicated that he has started laying the foundation in the SE $\frac{1}{4}$  of Section 28, Township 22 North, Range 8 West, N.M.P.M. and wants to legalize his occupancy there. This leaves us with the same problem of a private residence on national resource lands, without any way to authorize it!

This incident serves as further evidence to us, that there has been an increase in the number of trespass houses built in the last few years, with the full knowledge of and with materials provided by the Crownpoint Bureau of Indian Affairs Office.

Phil Kirk,

*Phil*





Garner R. Stroud, Director  
J. L. Henry, Supervisor

TenMain Center  
Kansas City  
Missouri 64105

PLM  
NOVEMBER 1963

NOV 19 1963

ACTION

DM									
ASST.									
ADM.		X							
SEC.									
INT.									
LEG.									
FIN.									
PR.									

X = ACTION  
✓ = INFO.

3500  
0343  
33

Mr. Keith Miller, District Manager  
Bureau of Land Management  
3550 Pan American Freeway NE  
Albuquerque, New Mexico 87101

Attention: Mr. Jerry Asher

Subject: BLM Lease NM 057349  
Section 6-16N-20W  
McKinley County, New Mexico

Dear Sir:

The coal lease identified by the captioned number was entered into on April 1, 1961 between the United States of America and Spencer Chemical Company, Gulf Oil Corporation's predecessor in title. In addition to the captioned lands it covers other lands totaling 2,570.13 acres. Insofar as the subject section is concerned the United States owns both the surface and the coal.

In the course of preparation to mine section 6 we have discovered the existence of Navajo squatters on the premises. There are possibly six separate family houses and hogans on the property.

It is possible that some of the houses which are located near the south line of the section adjacent to New Mexico Highway #264 may not interfere with our mining activity. However, insofar as these specific houses are concerned we would like to remain completely flexible and retain the right to request their removal at a later date if there subsequently is a likelihood of conflict. The present memorandum refers specifically to all houses located north of the area immediately adjacent to the above mentioned highway.

The purpose of this letter is to request your office's cooperation in moving the squatters located in the interior part of the section. To assist you in your planning we will endeavor to keep you advised of our proposed mining activity and an estimated time schedule as far in advance as can be foreseen. By January 1, 1974 we will be blasting within 700 feet of the houses located nearest to our current mining operations. By March 1, 1974 a haul road will be constructed across the approximate location of two of the buildings. Within 24 months of today's date we plan to be actively mining the section and all persons, with the possible exception of those living adjacent to the blacktop highway, should be permanently removed. In addition, from this date forward we will be conducting certain construction activities preparatory to building a railroad spur to facilitate the removal of the coal.

John Miller, District Manager  
Bureau of Land Management  
Page 2  
November 16, 1973

We would like to work closely with you on this project and hope that you will feel free to call on any Pittsburg & Midway personnel for consultation. In addition to making my own services available I would suggest that it might be convenient for you to consult with the individuals shown as receiving copies of this letter.

Very truly yours,



GARNER R. STROUD  
Director - Land and Leases

GRS/bw

cc: Mr. R. D. Whitmer  
Project Engineer  
McKinley Mine Expansion  
615 Wyoming SE  
Albuquerque, New Mexico 87115

Mr. A. L. Smith  
Western Division Manager  
615 Wyoming SE  
Albuquerque, New Mexico 87115

Mr. Steve Parker  
Western Division Engineer  
615 Wyoming SE  
Albuquerque, New Mexico 87115

Mr. C. E. McKinney  
(Attention: Mr. John Wilson)  
Mine Engineer  
Box "M"  
Gallup, New Mexico 87301

Mr. D. E. Willson  
Gulf Oil Corporation Division Attorney  
2025 TenMain Center  
Kansas City, Missouri 64105

## United States Department of the Interior

2500

## BUREAU OF LAND MANAGEMENT

## DISTRICT OFFICE

3550 Pan American Freeway, N.E.  
Albuquerque, New Mexico

B7107

March 13, 1974

## Memorandum

To : Director, Bureau of Land Management  
Attn: Chief, Division of Lands & Realty

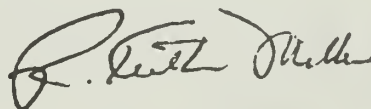
Thru State Director, New Mexico

From District Manager, Albuquerque

Subject: Additional information on effects of 43 CFR 2091.5

The attached information is provided for your use in evaluating the effects of the above mentioned regulation. The map shows where Indian occupancy exists on national resource lands. Inventory information has shown that habitation tends to concentrate along major roads, most of which are unpaved in this area. New roads are planned in the outlined area. It can be generally expected that the roads will attract additional occupancy.

The lists of applications and activities affected is as complete as we can make it at present. Our feeling is however, that any application or permitted activity will be affected by 43 CFR 2091.5



Attachments:

I. Types of leases which have been issued on which occupancy exists and on which problems have developed.

- A. Coal Leases - There is Indian Occupancy on a coal lease issued to Pittsburg-Midway Coal Company. Operations are being hindered as improvements are situated where stripping is scheduled.
- B. Grazing Leases - Occupancy results in over-grazing and trespass livestock. Indian occupants have livestock which are grazed without regard to grazing regulations.
- C. Oil and Gas Leases - Oil and gas leases have been issued in areas of Indian Occupancy. Problems are foreseeable with respect to drilling, access, and transportation facilities.

II. Effect of 43 CFR 2091.5 on Pending Applications

- A. Applications which have been suspended or partially rejected under the provisions of 43 CFR 2091.5

<u>Number</u>	<u>Action</u>	<u>Type</u>	<u>Acreage or Length</u>
NM 15479	Suspended	R/W Powerline	45 Miles
NM 18724	Suspended	R/W Waterline	31.88 Miles
NM 034478	Suspended	Wdl. Navajo Indian Irrigation Project	21,535.00 Acres
NM 0510046	Partially Rejected	Oil & Gas Lease	40.00 Acres
NM 0510085	Partially Rejected	Oil & Gas Lease	40.00 Acres
NM 0467256	Partially Rejected	Oil & Gas Lease	40.00 Acres

- B. Non-application requests which have been either modified or informally disallowed due to Indian Occupancy.

- 1. Proposed alignment of New Mexico Public Service Company's San Juan-Ojo Transmission line has been affected by 43 CFR 2091.5. Changes in alignment are being made before the formal filing of an application in order to avoid the regulation.

2. Several mineral material sales have been discouraged, due to Indian occupancy, prior to the filing of any applications.
  3. Navajo Brethern in Christ Mission realignment of air strip and sewage lagoon due to proximity of occupants. Another church inquiring and desiring to construct near a cluster of unauthorized occupants.
  4. Tucson Gas and Electric Company has recently been informed that their proposed line parallel to the existing Four Corners to Vail line, will encounter Indian Occupancy, and 43 CFR 2091.5.
- C. Pending applications which possibly have occupancy - A field examination is required for a determination as to whether there is occupancy which will cause suspension.

<u>Number</u>	<u>Type</u>	<u>Acreage</u>
NM 18394	Public Sale	760.00 Acres
NM 4492	Indian Exchange	160.00 Acres
NM 15364	Indian Exchange	160.00 Acres
NM 15366	Indian Exchange	160.00 Acres
NM 15411	Private Exchange	160.00 Acres
NM 15495	Indian Exchange	160.00 Acres
NM 13854	Indian Allotment	160.00 Acres
NM 16562	Indian Allotment	160.00 Acres
NM 18699	Indian Allotment	160.00 Acres
NM 19779	Indian Allotment	160.00 Acres
NM 17306	R&PP Lease & Purchase	2,800.00 Acres
NM 13914	State Exchange	12,822.00 Acres Sel.Lands



NM 12322	Withdrawal	20.00 Acres
NM 11354	Revocation	40.00 Acres
NM 12314	Revocation	140.00 Acres
NM 0510076	Oil & Gas Lease	480.00 Acres
NM 0499270	"	160.00 Acres
NM 14437	"	295.16 Acres
NM 086939	"	320.00 Acres
NM 0467256	"	960.00 Acres
NM 0226869	"	80.00 Acres
NM 0522713	"	1,080.00 Acres
NM 0484853	"	963.10 Acres
NM 0522716	"	640.00 Acres
NM 17186	"	640.00 Acres
NM 089333	"	320.00 Acres
NM 0510096	"	638.80 Acres
NM 0499263	"	160.00 Acres
NM 0554169	"	1,016.87 Acres
NM 0468098-A	"	240.00 Acres

III. Additional Activities and types of applications which could be affected in the future:

- A. Oil and Gas pipeline rights-of-way
- B. Oil and Gas Access Roads and Drill Pads
- C. Oil and Gas Exploratory Activities
- D. Coal Exploratory Activities
- E. Coal Prospecting Permits

- F. Coal Preference Right Leases
- G. Coal Competitive Leases
- H. Coal Mining Plans (Existing Leases)
- I. Coal Fired Power Plant Transmission Lines
- J. Coal Gasification Plant or Plants
- K. Coal Gasification Water Line from San Juan River
- L. Coal Gasification Pipelines
- M. Geothermal Leases
- N. Uranium Prospecting Permits on Acquired Lands
- O. Uranium Leases on Acquired Lands
- P. Bureau of Indian Affairs Roads Within Navajo Indian Irrigation Project Before Title Passes.
- Q. Other roads including BIA and State Roads outside the Irrigation Project Area
- R. Railroad Right-of-Way
- S. Antiquities Act Permits
- T. Special Land Use Permits
- U. Free Use Permits
- V. Navajo Indian Irrigation Project
- W. Irrigation Project Canals Outside Project Area
- X. Manuelito Canyon Proposed Park and other similar Designations or Withdrawals
- Y. BLM Activity Plans
- Z. BLM Protective Withdrawals

PUBLIC COMMENTS

- Appendix G-1 - "The Navajo People and Their Land"
- Appendix G-2 - New Mexico Wildlife Federation Letter (1/18/74)
- Appendix G-3 - San Juan Wildlife Federation Statement
- Appendix G-4 - Bureau of Indian Affairs letter (3/26/73)
- Appendix G-5 - New Mexico Conservation Coordinating Council Letter (3/12/74)
- Appendix G-6 - Southern Union Gas Letter (2/7/74)
- Appendix G-7 - Albuquerque Wildlife Federation Letter (2/1/74)
- Appendix G-8 - Sandia Mountain Wildlife and Conservation Association (2/6/74)
- Appendix G-9 - Sierra Club - (Rio Grande Chapter) Letter (3/11/74)
- Appendix G-10 - Gulf Oil Company Letter (2/21/74)
- Appendix G-11 - New Mexico Wildlife and Conservation Association Letter (3/7/73)
- Appendix G-12 - Dinebeilina Nahiilna be Agadithe (Legal Services Orgainzation)  
Letter (2/22/74)

## The Navajo People And Their Land

The Navajo people who are said to be living on national resources land without authorization are living in the same general area, where they have lived for at least five hundred years. The people have always moved around for several reasons. The economy of hunting and gathering sometimes requires movement and sometimes the Navajo custom of abandoning a hogan where death and occurred caused a move. When the people adopted the sheep economy they tended to move where water and grass was most available. The people until now tend to move for some of the same reasons.

The Navajo population is the fastest growing population in the world being, over the last few years, near 3% per year. The people most always have a hogan for every family that is man and woman with children. So hogan, and now house, construction is almost constant.

The Navajo people have in common with all Indians a great attraction for each other and the area where they live and that they use. Until very recently it was unheard of for any Indian to leave his group or to run away. If one moved the whole extended family moved. So movement was constant but so slow as to not be really noticeable even to the group itself.

With the coming of the invaders from Europe and the increase in population the country has filled up and drifting about is no longer really possible, although the people still tend to try to do this.

For the last few years some have said that the United States owns the same land where the people have lived for so long. This is hard for the people to understand and harder still for them to accept. Even though some are working out of the area they consider this temporary. All have strong ties to a family and the place where the family calls home. Wherever a Navajo may roam there is always a bit of land and a few sheep that he is attached to. He contributes to this base when called upon and he draws upon this base in times of need. It is a kind of Navajo social security.

To say that this base and area of land does not belong to the group or that the group must break up and leave it is to say that the very security of the group is to be destroyed and that a whole new culture must be adopted in one day.

Page 2.

The people are not asking for all the land they once occupied but only the areas now designated Indian communities. This will not change the present use or displace any present users.

The people are changing along with the area and they can no longer roam over the land as they once did, so they agree that boundary lines must be drawn. Anyone moving over the boundary will not have the support of the Navajo Tribe or the Communities.

We recommend that the Indian communities of Jaques, Blanco, Counselors, Kimbeto, and Largo as now defined by the Bureau of Land Management maps be declared to be Indian communities set aside for Indian use. The Indian owned land in the area shall be surveyed and marked with permanent markers so that Indian people may be encouraged to build their permanent houses upon their own land.

This recommendation is made with reference to the present study. As time brings other changes other plans may be made.

Respectfully,

Roy B. Scrivner, Director  
Office of Navajo Land Administration



**NEW MEXICO WILDLIFE FEDERATION**

*Dedicated to the Conservation of Soil, Forests, Waters, Wildlife, and All  
Natural Resources*

*Affiliated with NATIONAL WILDLIFE FEDERATION*

P. O. BOX 1542, SANTA FE, NEW MEXICO 87501

**POSITIONS REGARDING SAN JUAN MANAGEMENT FRAMEWORK PLAN**

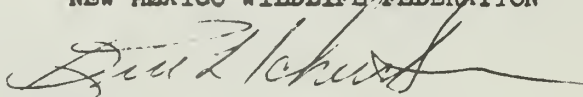
**Topic: Unauthorized Occupancy of National Resource Lands      January 18, 1974**

Steps to evict unauthorized occupants of Federal land should begin at once. Discrimination due to national origin or race in enforcement of trespass laws should be stopped.

There will be instances where exceptions to the above policy may be necessary. If it is necessary or desirable to authorize this unauthorized occupancy, requirements should be made for an exchange of land rather than an outright gift or sale of the National Resource land.

The same requirement should be made for any acquisition of the National Resource land whether it be by Indian tribe, individual, governmental agency or municipality. There are many areas covered by this study where acquisition of private land would improve management of the National Resource land. If Indian tribes, individuals, etc., require portions of National Resource land, they should be required to trade land of equal value that would benefit the public, for it. In this manner the amount and value of the National Resource land will be maintained for future generations.

**NEW MEXICO WILDLIFE FEDERATION**



**Bill L. Schurkens  
Executive Committee**



# *San Juan Wildlife Federation*

+ Farmington, New Mexico 87401

VATION IS . . . WISE USE

## POSITIONS REGARDING SAN JUAN MANAGEMENT FRAMEWORK PLAN

### PREAUTHORIZED OCCUPANCY OF NATIONAL RESOURCE LANDS

Steps to evict unauthorized occupants of Federal land should begin at once. Discrimination due to national origin or race in enforcement of trespass laws should be stopped.

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The same requirement should be made for any acquisition of the National Resource Land, whether it be by Indian tribe, individual, governmental agency or municipality. There are many areas covered by this study where acquisition of private land would improve management of the National Resource Land. If Indian tribes, individuals, etc., require portions of National Resource Land, they should be required to trade land of equal value that would benefit the public for it. In this manner, the amount and value of the National Resource Land will be maintained for future generations.

*Donna Pritchard*  
Donna Pritchard, Secretary  
 San Juan Wildlife Federation

IN REPLY REFER TO:



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

Navajo Area  
Eastern Navajo Agency  
P.O. Box 328  
Crownpoint, New Mexico 87313

Real Property Mgmt.

BLM RECEIVED  
FARMINGTON

MAR 29 1973

MAR 26 1973

AREA MANAGER	1
PLANS	
OPERATIONS	
FILE	2

Mr. Phil Kirk  
Area Manager  
Bureau of Land Management  
Farmington RAH  
Post Office Box 568  
Farmington, New Mexico 87401

Dear Mr. Kirk:

Thank you for your letter of March 8, 1973, and the attached comments. We would be, definitely, interested in any and all meetings that BLM will have on the land use planning for the San Juan Basin area, and would appreciate a schedule of dates for these meetings.

My staff, and/or I, will make arrangements to attend these meetings as they come up.

Our primary interest and concern is for the Navajo people residing on Public Domain Lands. It is a known fact that this is taking place, however, there are no statistics to show how many families are residing on these lands. Many of them have small herds of sheep, and perhaps some cattle. We would like to know what will become of them and what effect will the land use plan have on them? Perhaps the land could be allotted to them, since they have, undoubtedly, made improvements to and cared for the land while living there.

Your continued cooperation in this matter will be greatly appreciated.

Sincerely yours,

Superintendent

Edward Plummer

cc: Branch of Land Operations, ENA  
Branch of Real Property Management, ENA  
Branch of Roads, ENA  
Housing, ENA  
Programs, ENA  
Navajo Tribal Vice Chairman, Wilson Skeet  
Navajo Tribal Land Administration - Graham Holmes  
R. Keith Miller, District Manager, BLM  
3550 Pan American Freeway, Albuquerque, N.M. 87107





## NEW MEXICO CONSERVATION COORDINATING COUNCIL

POST OFFICE BOX 142

ALBUQUERQUE, NEW MEXICO 87102

Mr. Keith Miller

-2-

The planning of transportation corridors, ie. roads, power lines, pipelines, associated with mineral extraction will affect other resource considerations, both within this planning unit and in contiguous units. Coordination will be required to avoid unnecessary future problems.

3. Forage utilization: It is our opinion that the forage or vegetational resource has many values which should be given consideration in the planning process. Among the values are: domestic livestock, food and cover for wildlife, aesthetics and scenic, and as ground cover to control wind and water erosion. We do not feel that livestock grazing should receive an exclusive consideration in the planning of this resource.

We favor a mix of resource objectives--utilizing lands to their fullest, but only within their capabilities. We endorse the implementation of modern, scientific range management programs which will restore depleted ranges and provide for adequate ground cover. We believe that the planning unit contains some lands which are presently unsuitable for grazing by livestock, and that these lands need identification and specialized management.

We feel that there are certain units of land, which while capable of supporting limited livestock grazing, have a much higher potential when used primarily for watershed, wildlife habitat, recreation, historical, or scenic values. These units need identification and exclusion from grazing. We endorse the control of trespass livestock as well as feral livestock.

4. Disposal of public lands: The Council has consistently opposed the transfer of public lands to private control, including disposal to Indian tribes and pueblos. At this time, when national and state land-use planning legislation is being considered, it is particularly important to retain all public lands. We believe that any possible future disposal of public lands should be considered only within the framework of acceptable state and national land-use plan.

5. Unauthorized occupancy: Certainly there are legal guidelines as well as constraints available in settling this problem. We believe that it is not in the public best interest to allow further unauthorized occupancy to take place.

**MEMBER ORGANIZATIONS:** Albuquerque Urban Progress ♦ Alpha Nu Chapter, Phi Sigma Society ♦ American Association of University Women, New Mexico Division ♦ Central New Mexico Audubon Society ♦ Isaak Walton League ♦ Junior League of Albuquerque, Inc. ♦ Mountain Valley Association ♦ National Speleological Society, Southwest Region ♦ New Mexico Environmental Health Association ♦ New Mexico Herpetological Society ♦ New Mexico Horse Council ♦ New Mexico Mountain Club ♦ New Mexico Ornithological Society ♦ Professional Guides and Outfitters Association of New Mexico ♦ Rio Grande Chapter, Soil Conservation Society of America ♦ Society of American Foresters, New Mexico Chapter ♦ Society of Range Management, New Mexico Section ♦ Southwestern New Mexico Audubon Society ♦ UNM Mountaineering Club ♦ Wildlife Society, New Mexico Chapter. ♦ Trout Unlimited.



## NEW MEXICO CONSERVATION COORDINATING COUNCIL

POST OFFICE BOX 142

ALBUQUERQUE, NEW MEXICO 87103

Mr. Keith Miller

-3-

Resolution of existing problems should be handled on an individual basis. The duration of occupancy, type of use, amount of improvements, and potential long-term resource conflicts must be individually considered. Negotiations with the Navaho tribal leaders should explore the possibility of land exchanges that would be mutually advantageous.

We suggest that as your office begins to formulate planning decisions, full consideration be given to national goals and objectives, and that local interests not be given disproportionate attention.

Sincerely,

Larry Caudill  
President -

Voting record - Meeting of February 12, 1974: *Sierra Club, I. Walton League, Soil Conservation Society of Am., New Mexico Citizens for Clean Air and Water, Guides and Outfitters*

Supporting - *Trout Unlimited, Society of Range Management, New Mexico Mountain Club, N.M. Ass. of Natural Resource Conservators, Districts, Soc. of Am. Foresters, Wildlife Society, U.N.M. Mountain*

Not supporting - *none*

Abstained - *Junior League of Albuquerque,*

MEMBER ORGANIZATIONS: Albuquerque Urban Progress ♦ Alpha Nu Chapter, Phi Sigma Society ♦ American Association of University Women, New Mexico Division ♦ Central New Mexico Audubon Society ♦ Isaac Walton League ♦ Junior League of Albuquerque, Inc. ♦ Mountain Valley Association ♦ National Speleological Society, Southwest Region ♦ New Mexico Environmental Health Association ♦ New Mexico Herpetological Society ♦ New Mexico Horse Council ♦ New Mexico Mountain Club ♦ New Mexico Ornithological Society ♦ Professional Guides and Outfitters Association of New Mexico ♦ Rio Grande Chapter, Soil Conservation Society of America ♦ Society of American Foresters, New Mexico Chapter ♦ Society of Range Management, New Mexico Section ♦ Southwestern New Mexico Audubon Society ♦ UNM Mountaineering Club ♦ Wildlife Society, New Mexico Chapter. ♦ Trout Unlimited.



SAN JUAN MANAGEMENT FRAMEWORK PLAN

Page - 6

these unsurfaced roads. This is an expense of well over \$150,000 annually to Southern Union Gas Company.

## III UNAUTHORIZED OCCUPANCY OF NATIONAL RESOURCE LANDS

## RECOMMENDATIONS

~~Lands - 20, Lands - 21, Lands - 22, Lands - 23 and Lands - 27,~~

I suggest that all unauthorized occupants living on these lands should be given an opportunity to purchase the land he is now using at a reasonable price agreed upon by all interested parties. If he does not desire to purchase the land he is now using he should be given a reasonable length of time to vacate these lands. All lands that are purchased should be placed on the tax roles of the County in which they are located.

~~Lands - 24~~

I would suggest that all pipeline and power line right-of-ways that have been in existence for several years and was acquired in good faith at the time of the installation should be legalized. Any easements acquired that were documented in past years whether or not they fully comply with the present easement specifications should be honored. In some areas the easement was acquired from other parties and has since reverted to B.L.M. land. It is my feeling that the original easement agreement should be valid.

## OFF ROAD VEHICLE USE

## RECOMMENDATIONS

~~Recreation 41 - Recreation 42~~

Mr. Phil Kirk

page 3

February 1, 1974

We know that the habits of deer and elk are different. We are not familiar with the range conditions on deer management units 9 and 10. We recommend that an intensive study be made of this range before any increase in elk numbers is permitted. It is well known that elk are direct and often over-riding competitors with both deer and livestock.

We can agree that development of the 78,000 acres of land with high scenic values be planned so as to enhance the scenic and recreation values of these lands.

#### Off-road Vehicle Use

We believe the emphasis should be placed on a Resource Transportation System that would meet the basic requirements of Multiple Use Management. Use by vehicles should then be confined as much as possible to the system roads. There are too many people who no longer care to walk.

We recommend that any regulations for off-road vehicles use apply to all people alike. The exception might be to those with permits of some kind that would require a need to leave system roads for a legitimate purpose. We do not agree that prospectors and others should be allowed to go where they please without regard to soil conditions or weather. If this is allowed anyone with a pick and shovel could be classed as a prospector and it would be impossible to control vehicle use.

There are certain soils where the use of off-road vehicles would result in minimal damage. There are others however, where damage will result if no restrictions are invoked, especially on wet soil. We recommend that regulations be adopted that will prevent accelerated erosion by off-road vehicles of all kinds. We do not believe it to be in the best interests of the wildland environment to expect that the wildlands must furnish a place to use every type of vehicle that man can invent.

We believe that restrictions, within reason, will also prevent some of the poaching of game and rustling of livestock.

We recommend that you prohibit vehicle use near water, and on the 126,000 acres listed as badlands, wastelands, or frail lands. The motorcycle group seem to consider that they can do no harm to badlands because of their present condition. Most certainly plant life will never become established on these frail sites if they are subject to continual abuse.

We agree with the recommendation to withdraw about 100,000 acres from the General Mining and Mineral Leasing Laws or from being appropriated under other Public Land Laws for wildlife protection.

#### Unauthorized Occupancy of National Resource Lands

This session of your meeting was especially interesting with respect to the Navajo Indians in attendance. By having all communications which took place in the meeting translated into their language, they should be well informed on their part in the occupancy of the National Resource Lands.

Mr. Phil Kirk

page 4

February 1, 1974

It was very enlightening to know that the presence of Indians on the Public Domain lands could be justified on their part by the 43 Code of Federal Regulations, Section 2091.5. We recognize the implications this regulation causes any Federal Agency in dealing with Indian occupancy problems. This regulation indeed gives the Indians a valid reason for occupying NRL (Public Domain Lands.) It would appear that the only solution to this segment of occupancy problem is to have the Federal Regulation in question amended to meet present land use needs.

In order to solve at least in part the unauthorized occupancy problems we recommend that:

1. The Bureau of Land Management launch an educational program to prevent unauthorized occupancy on NRL. This should be directed primarily at the Navajo Indians.
2. Accelerate a program of surveying and posting interior boundaries between NRL and other ownerships for the express purpose of solving the unauthorized land-use problem.
3. We support in principle the proposal made by the San Juan Wildlife Federation for a land exchange as a solution to the unauthorized occupancy problem.

#### Pending Applications for Sale of Public Lands and Other Land Matters

We believe there is too much emphasis on selling National Resource lands. We recommend that no direct sales of lands be made until there is a land exchange plan prepared for the unit. The land exchange plan should place the emphasis on blocking up NRL and using the lands that could be considered for disposal as a base for exchange on a direct or tripartite basis. We would like to see the receipts from any direct sale of land go to the BLM for reclamation of poor lands or for the purchasing of access through private property.

We recommend the lands around Navajo Lake remain in public ownership. All withdrawals on Federal Lands should be revoked when they conflict with good multiple use management.

#### Additional Recommendations

We recommend that exotic wildlife species not be considered for introduction at this time. We had better take care of our native species before considering such a program.

Expedite the completion of a comprehensive soil survey and correlate in every way possible all management guides with the soil characteristics.

Intensify a study of all wildlife species, especially those in a rare and endangered status, to effect necessary management conditions. We have in mind both the American and Golden eagles.

Establish realistic buffer zones around wildlife habitats for necessary protection.



# Sandia Mountain Wildlife and Conservation Association

Dedicated to the Conservation of Soil, Forests, Water, Wildlife and all other natural resources

\*\*\*\*\*  
Organized - 1971

February 6, 1974

FEB 11 1974

Mr. Phil Kirk	
Bureau of Land Management	
P.O. Box 568	
Farmington, New Mexico 87401	
FILE	12

Mr. Phil Kirk, Area Manager  
Bureau of Land Management  
P.O. Box 568  
Farmington, New Mexico 87401

Dear Phil,

We had intended to be represented at your meeting in Farmington on January 18th & 19th. Unfortunately due to an illness and work problems we were unable to make it.

We were, however, in touch with Mr. C.K. Collins who did attend and represented the Albuquerque Chapter of the New Mexico Wildlife Federation. We have read Mr. Collins' letter to you and wish to second his recommendations. Further, we wish to encourage the Bureau of Land Management in being extremely cautious in granting any leases or permits for anything (gas, oil, grazing and, yes, even recreation) until you are completely satisfied the need is legitimate and does serve the best interest of the public from the public's viewpoint and not necessarily as viewed by the vested interest. Once you have granted a permit for a given use and this permit is exercised the damage is done and quite often is irreversible. The lands in your trust are too valuable to allow this to happen.

We are concerned, even alarmed, at the amount of land being lost to Navajo's by squatters. We would appreciate your thoughts on what we can do in order to halt this land grab.

Again, Phil, we would like to have been represented since we feel the meeting was dominated by the commercial interests. Please keep us advised of any future meetings of this type.

Sincerely,

*William R. Reed*

William R. Reed, President  
Sandia Mountain WCA

WRR/mr

In view of the value of areas such as Carracus Mesa for recreation for the people living in the northwest part of the state, we encourage the withdrawal of key recreational areas from oil and gas leasing. There is so little of this region still existing in its natural state we feel it is essential that at least 14,000 acres be preserved. We urge you to consider preserving some block of undeveloped desert land also, if such an area still exists.

#### Transmission corridors

Right-of-ways for power transmission lines and pipe lines should be planned now as much as possible. Once established, development should be planned so that no additional corridors are necessary.

#### Watershed protection

Prohibiting any surface-disturbing activity on 126,000 acres of badlands and other frail lands for watershed protection seems extreme until one considers the tremendous cost borne by taxpayers to compensate for such watershed damage, i.e., flood control dams, silt retention dams, diminishing value of reservoirs for water storage because of reduced volume and increased evaporation resulting from siltation. We, therefore, support severe limitation of surface-disturbing activities in critical areas and support any efforts to see that erosion is minimized as much as possible. This is particularly important in areas which drain directly into Navajo Lake and those which drain into the major arroyos and waterways which in turn drain into Navajo Lake and the San Juan River.

#### Livestock grazing

I would agree completely with the first eight recommendations. A rest-rotation or deferred rotation system must be implemented in this region as soon as possible. Until such a system is implemented some means must be found to prevent the region from continuing to be overgrazed. Leasees should be required to keep fences mended and animals where they belong. Revocation of permits should be the penalty for not meeting this obligation.

It is reasonable to restrict livestock grazing in certain areas for the benefit of quail, elk, mule deer, and other animals.

#### Unauthorized occupancy

Some means must be found for relocating unauthorized occupants and particularly for preventing any further increase in unauthorized occupancy. Perhaps permits could be given to present occupants to expire at some future specific date or event, like the death of the oldest inhabitant of the house. Commercial developments and enterprises should be terminated as soon as possible.

#### Off-road vehicles use

Certain prime areas should be open to ORV use. All other areas should be closed. Trails along pipeline right-of-ways seem sensible, except in areas which are susceptible to erosion, watershed damage and in key wildlife habitat areas.



# Gulf Oil Company - U.S.

LAW DEPARTMENT

Eugene C. Alford  
ATTORNEY

2025 TenMain Center  
Kansas City, Mo. 64105

January 21, 1974

BLM RECEIVED  
FARMINGTON  
JAN 28 1974

Mr. Phil Kirk, Area Manager  
Bureau of Land Management  
U.S. Department of the Interior  
Farmington Office  
P. O. Box 568  
Farmington, New Mexico 87401

AREA MANAGER	<i>[Signature]</i>
RANGE	
OPERATIONS	
FILE	2

Dear Mr. Kirk:

RE: San Juan Management Framework Plan  
Unauthorized Occupancy of National  
Resource Lands

I attended the meetings held in Farmington concerning the San Juan Planning Unit and made the following alternative recommendation in connection with recommendations previously made for correction of unauthorized occupancy of national resource lands.

My suggestion was prefaced with the comment that whenever and wherever unauthorized occupancy or use conflicted with an authorized occupancy or use previously given, the resolution of this conflict would create an inequity on one of the users. It was suggested that the policy of having any inequity fall upon the unauthorized occupant or user as a principle under which the BLM will manage its national resource lands would serve to soften the blow and give a consistency to the practices being followed by BLM. Fairness and equity would cause any losses to resolve a conflict of the foregoing matter to fall upon the unauthorized occupant or user, whomever such person may be.

The suggestion that I made is that BLM establish a cutoff date, for example January 1, 1974, as the date to determine the existence of all unauthorized occupancies and uses. Thereafter any unauthorized occupancy or use to be commenced would be terminated upon discovery and the unauthorized occupant or user being required to cease his occupancy and use and if he neglects or fails to do so within a reasonable time that BLM institute





New Mexico

APPENDIX G-11

# Wildlife and Conservation Association, Inc.

*Dedicated to The Conservation of Soil, Forests, Waters, Wildlife, and All Natural Resources*

P. O. BOX 1542, SANTA FE, NEW MEXICO 87501

Affiliated with NATIONAL WILDLIFE FEDERATION

NEW MEXICO WILDLIFE FEDERATION  
P. O. BOX 1542  
SANTA FE, NEW MEXICO 87501

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Bureau of Land Management  
Farmington Resource Area Office  
PO Box 568  
Farmington, N.M. 87401

Gentlemen,

I am writing to you about the one million acres of public land in the San Juan Basin for which the BLM has requested public recommendations. These remarks represent the view of our Executive Board. I wish them made a part of the record of any actions bearing on the use or disposition of these lands.

First, and most importantly, we are opposed to the transfer or sale of public lands except to consolidate isolated tracts for better management, control, and access.

We realize that continued growth and expansion in the western states may prevent our retaining forever public ownership of lands now classified "public." We would like to keep as much public land as possible, however, and one of the best reasons for not disposing of it now is that we don't know what we might need it for in the distant future. We can always dispose of public lands, but we could not likely get them back, except at exorbitant premiums. In our view, there are now no overriding reasons for disposing of the public lands.

One of the principal reasons for keeping the land in public ownership is the attitude and policies of the Indian tribes in this area. Let me cite for the record a few well-known facts:

On the BLM guide to public lands, a small color-coded map handed out free to the public, the area south of Farmington and west of Rte 44 is shown as mostly BLM land north of Crownpoint. The BLM quad maps of larger scale, however, show most of this land to be Navajo Indian Trust Lands.

Now, Senator Anderson got the Indians 400,000 acres in this area in a swap for water rights to the San Juan Diversion -- but, somehow, in recent years the Indians have accumulated another 700,000 acres or so in this area. They are clearly expanding their tribal holdings outside the reservation boundary and much of this expansion is taking place at the expense of the public.

Across Rte 44 to the east, the Indians have bought or claimed nearly all the land in Blanco Canyon and in other sections as well. Some of this land was acquired by squatting on it, building a hogan, calling it a homestead (for which there is now no authorization) and refusing to move even when ordered to do so by the BLM. In any event, there is a lot of Indian land where once the land was public -- and it wasn't all bought and paid for.

We appreciate the fact that the Indians can acquire lands like anyone else. The only trouble is that they often deed the land to the Tribe and pay no taxes on it. Also, when Indians acquire a ranch which has Taylor Grazing Act lands associated with it, it has been the practice of the Federal Government to give them the Grazing Act lands. This means they can bid higher for a piece of land, knowing they'll get free land with it. It also means that the public again subsidizes the Indians, the ranch lands go off the tax rolls, we lose the grazing fees associated with the Taylor Act lands, and the public loses access for hunting, fishing, or other recreation.

We are especially concerned about the lost recreational potential of the San Juan River. Only a small portion of it is now accessible to the public. The BLM developed a plan not long ago that would have established boat landings and facilities at the numerous places along the river on BLM land which is not accessible from the land side. We would like to see this plan implemented. We hope that the BLM will not dispose of any more land fronting on the San Juan River. If more public land can be acquired along the river, we think that it should be.

There is good hunting for quail, rabbits, and deer in this area. Regretably, the best blue quail areas were lost when the land south of Farmington was acquired by the Indians. We do not think this land should be managed exclusively for livestock or for game animals. We believe that the habitat should be managed to accommodate both these uses and that the public should be assured recreational access consistent with sound management of the resources.

This is checkerboard land, with sections of state, private, and now Indian lands scattered throughout the public lands. This makes public land



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San Juan Management Framework Plan:

4.

Wildlife - 5: I certainly favor the permanent closing of all unnecessary roads, and their revegetation. I support the rest of the recommendation, in general, but I am not sure that it could be enforced effectively, particularly over so large an area, and I suspect that it would better be limited to critical areas, such as nesting habitats of peregrine and prairie falcons (see below).

Wildlife - 2: I heartily support this proposal, in full, and urge its adoption.

Wildlife - 4: Again, although enforcement would be difficult, this is an important recommendation which should be adopted. My conversations with Frank Bond, suggest that there is considerable hope for the re-establishment of peregrines in this area if their habitat can be adequately protected.

Lands - 19: This would cause little inconvenience to the companies, and should be adopted.

Watershed - 14: I find the badlands areas to be particularly beautiful. I strongly support this recommendation.

Watershed - 23, 27: While I appreciate the thoughts that motivated these suggestions, it strikes me that their inclusion in this handout was an exercise in acute masochism on the part of the BLM, since they were bound to provoke the contemptuous attitudes expressed at the meeting. Number 23 is simply unreasonable: rather, each lease should contain requirements that the companies maintain the roads in a manner so as to prevent rutting, or to correct it at once if it occurs. Number 27's goals could be accomplished by requiring terracing, and adequate reclamation after an area has been disturbed.

Watershed - 31: If there is some technical reason why this is more practicable in Eul Canyon than elsewhere, then fine. If not, my comments to Number 23 apply.

Unauthorized Occupancy

Lands - 20, 21, 22, 23, 24: These must be dealt with as a group. In general, I would examine each instance of un-

## San Juan Management Framework Plan:

5.

authorized occupancy separately, determine whether it is compatible with wildlife, watershed, and other natural values, and on that basis decide whether to evict or authorize. Agricultural uses, small residences (particularly Navajo dwellings), and most of the rights-of-way (if reseeded, which could be required of the owners) should probably be authorized, under that criterion. Commercial establishments should not be.

Lands - 27: I feel very strongly that this provision of the C.F.R. should be enforced, and even beefed up. The San Juan Planning Unit embraces lands that were the very first to be settled when the Navajo moved into the Southwest about 550 years ago, and I expect that, with the exception of the decade after 1860, their occupancy in the area has been virtually continuous. I endorse the recommendation made by Mr. Skeet, on behalf of the Tribe, to take steps to place lands occupied by Navajos, especially in the Jacquez, Blanco, Largo, Huerfano and Kinbeto communities, under Navajo control, by whatever means might be available.

Off-Road Vehicle Use

Recreation - 41: This is obviously unacceptable. See below.

Recreation - 42, 39: The ORV phenomenon is with us, in a big way, and I must say that I enjoy being out in the wilds in my jeep as much as anyone. Clearly, however, some management of this activity is essential. These two recommendations would accommodate much of the need for ORV trails, in areas where the activity is already well-established or where it would not do much harm, and appear reasonable.

Recreation - 1: Yes, by all means. If people are interested in the wilderness experience, they should not object to hiking into the best areas. If all they want to do is grind up cliffs in four-wheel drive, they should be kept out of areas which would be adversely affected to the detriment of scenic, wildlife and wilderness values.

Wildlife - 2, 4: See above.

Wildlife - 130: A sensible recommendation, which should



# BLM Hearings Get Calls On Evictions, Grazing

By PAT SCHAAPHOK  
Daily Times Staff

Calls for immediate eviction of unauthorized occupants of national resource lands and extension of grazing permits to cover longer periods of time were among the recommendations made Saturday at separate sessions of public hearings on potential use of federal lands in the San Juan Basin.

The sessions, conducted at the Holiday Inn, were sponsored by the Bureau of Land Management as part of a planning program for use of public lands in the basin.

The problem of unauthorized occupancy or use of public lands was outlined by Tom Thompson of Farmington, a resource specialist for the BLM. He told a crowd of more than 100 persons that potential unauthorized use currently includes about 300 miles of oil and gas pipelines, 20 miles of utility installations and 180 residences as well as communication facilities and from 75 to 250 acres used for agricultural purposes. About 140 of the potential unauthorized residences are used by Indians, Thompson said.

According to Thompson, exact determination of unauthorized occupants has not yet been made, since many structures are located near borderlines between private and public lands.

Three alternatives were reviewed by Thompson: authorization of occupants; eviction; or continuation of the present situation.

Jim Pritchard, a member of the board of directors of the San Juan Wildlife Federation, said the federation favors immediate eviction of unauthorized occupants.

"Steps to evict unauthorized occupants of federal land should begin at once," Pritchard stated. In addition, he called for the "elimination of discrimination due to national origin or race in enforcement of trespass laws."

Noting there might be exceptions where it would be "necessary or desirable" to authorize the occupancy, Pritchard suggested requirements should be made for an exchange of land of equal value rather than an outright gift or sale of federal lands.

Charley Brown of Carson Trading Post, a member of the Bloomfield Board of Education, who, along with Wilson Skeet, vice chairman of the Navajo Tribe, served as interpreter for the many Navajo people attending the session, suggested the Navajo Tribe might buy some of the land involving Indian occupancies. In many cases, he noted, the occupants already have grazing permits for the land.

However, Thompson pointed

out, federal laws, which direct that all others applications for use of federal lands used for Indian occupancy must be suspended, would prohibit the tribe from buying the lands.

Another recommendation involved the possibility of authorizing existing unauthorized occupancy of the land, providing there is not conflict with authorized use. In cases where conflict exists, the authorized user would be given preference.

About 200 persons, including many area ranchers, turned out for the session on livestock grazing, conducted by BLM resource specialist Ronnie Clark of Albuquerque. Among the problems cited by Clark were alleged overgrazing of allotments and what he termed "lots of fictional non-use" of the land.

Objectives of the use plan include, Clark said, increasing ground cover and perennial grass production, development of a grazing system and erosion control.

Speaking in favor of an extended grazing permits beyond the current one-year period, was Vernon Cox of Blanco.

"It's real hard to get lands to look good and make a profit if you don't have a little more permanence... I'd like us to get Congress to pass it where we can get our permits for more than a year a a time," Cox said.

Several ranchers challenged BLM statements that some

## APPENDIX H

allotments are overgrazed.

"During the last three years, BLM personnel have been on my ranch once to my knowledge ... I know my place better than anyone else and if there is overgrazing, it is in some small areas, not the whole allotment," Homer Barry, a Largo rancher, told the gathering.

Chris Pacheco, who has a grazing allotment in the Largo Canyon area, said he felt drouth conditions in the past few years were primarily responsible for poor range conditions.

Lack of facilities, such as watering ponds, also could account for the appearance of overgrazed areas, according to Reynaldo Archibeque of Bloomfield.

"There are only 24 cows on our allotment, but we're also shown as overgrazed ... I'd like to see more ponds — our cattle stay around the ditch bank because there's no water further up (the allotment)," Archibeque said.

A BLM proposal to restrict vehicular travel on dirt roads came under fire from Bert Levine, Bureau of Reclamation project engineer for the Navajo Indian Irrigation Project, who told the group such restriction was an "impossibility."

"Someone has estimated that 90 per cent of the roads in our area are unsurfaced and they are used by everyone. To eliminate road use is impossible," he declared.

In reply to a question regarding a BLM proposal that 30 small allotments be consolidated into large grazing tracts, Clark explained that holders of small allotments would pool their lands in order to minimize costs of fencing and other management facilities.

Albuquerque Journal March 4, 1974

# San Juan Land Panel Will Meet

By CAROL COHEA

A 1.5 million acre chunk of public land in northwestern New Mexico — rich in resources and scenery — has come under the scrutiny of a panel whose 11 members hold divergent views on how the land should be used.

The panel will present its multiple-use recommendations to the Bureau of Land Management (BLM) in an attempt to iron out many of the conflicts which now exist in proposed recommendations.

**THE CHALLENGE** lies in the land's broad scope of possibilities.

It contains part of what has been described as the second largest producing oil and gas field in the U.S. and it contains large amounts of coal reserves which are suitable for strip mining.

There are many ranches which graze their sheep, cattle and horses on the land.

There is also Lake Navajo, many archeological sites and deer, elk, antelope, barbary sheep, eagles, falcons and numerous waterfowl.

**BLM OFFICIALS** say current unauthorized use of the San Juan Planning Unit includes about 300 miles of oil and gas pipelines, 20 miles of utility installations, 180 residences, communication facilities and about 200 acres of agriculture.

Sitting on the panel which will sort out all these possibilities are an environmentalist, a mineral expert, livestock grower, wildlife specialist, off-road vehicle enthusiast, watershed authority, and occupancy expert. Roedell Schmitt chairs the board.

**OUT OF APPROXIMATELY** 300 proposed uses drafted by the BLM, 100 were discussed and broken down into five major categories.

These were off-road vehicle use, oil, gas and coal operations, livestock grazing, pending applications for sale of public lands and unauthorized occupancy of national resource lands.

"**AT OUR** public meetings in Farmington Jan. 18 and 19, we had hoped to resolve many of the conflicts and problems which were evident in the single-use oriented recommendations. Many of the conflicts were not resolved and based on public comment and the fact that we need to get knowledgeable people with diverse interests across the table from each other, we have organized the planning panel," said Phil Kirk, area manager for the BLM.

Officials said the panel will meet once a week for about five weeks beginning Thursday to consider written comments received as a result of the meetings.

One of the most controversial topics facing the panelists is the unauthorized occupancy of public land.

**AN ESTIMATED** 140 of the unauthorized residences are used by Indians. However, exact termination of unauthorized occupancy has not yet been made since many structures are located near borderlines between private and public lands.

Gulf Oil Co. representative Eugene C. Alford, of

the law department, recommended all presently existing unauthorized users and occupancies be terminated and simultaneously the occupant or user be afforded an opportunity to obtain a duly authorized

permit, lease, right-of-way or other use authorization, without regard to whether the unauthorized occupant or user is Indian or non-Indian.

Representatives from the San Juan Wildlife Federation took a harder line and called for steps to evict the unauthorized occupants at once.

"Discrimination due to national origin or race in the enforcement of trespass laws should be stopped," wrote Donna Pritchard of the federation.

She also recommended that unauthorized occupants be required to trade land of equal value.

**ON THE** other hand, DNA, the Navajo tribal legal firm, attorney Richard Hughes contends every instance of unauthorized occupancy should be dealt with separately to "determine if it is compatible with wildlife, watershed and other natural values, and on that basis decide to evict or authorize."

Hughes maintained that agriculture users, and small residences should be authorized but not commercial establishments.

He called for lands occupied by Navajos in the Jacquez, Blanco, Largo, Huerfano and Kinbeto communities be placed under Navajo control.

Hughes maintained the Navajo settlement in the San Juan area in the southwest began 550 years ago and has seen virtually continuous occupancy except for 10 years after 1860.

**AT THE** other end of the spectrum, the Sandia Mountain Wildlife Conservation Assn. spokesman expressed "alarm over the amount of land being lost to Navajos by squatters" and called for a "halt to the land grab."

"In connection with range management, one area rancher termed the recommendations "pro-environmentalist and pro-wildlife."

Rancher Casey Brown of La Plata, N.M., suggested other land users pay a usage fee similar to that which ranchers pay for grazing allotments.

"Usage fee could be paid by hunters, off-road vehicle users, bird-watching groups and wildlife buffs. Permits could be issued similar to woodcutting and funds could be used for much needed range improvement and scenic improvements," he said.

**A RECOMMENDATION** of trading private land of equal value for public land is raised in connection with pending applications for sale of public lands.

Former Gov. Tom Bolack asked that 5000 acres of land south of Farmington along the San Juan River be brought under single ownership as the only feasible solution to management.

The area in question is adjacent to Bolack's B-Square Ranch and lies south of the San Juan River. It includes some 500-foot canyon-wall bluff country which Bolack has maintained is only suitable for wildlife management.

Bolack's request for purchase of BLM land was included in approximately 9000 acres of such land for which sale requests have been made within the San Juan Planning Unit.

Bolack's argument that he could better manage and protect wildlife in the 5000 acres of BLM land he has applied for, is met by arguments from the San Juan Wildlife Federation that any agency or individual acquiring the public land should be required to trade-off land of equal value.



Recommendation from the San Juan MFP Planning Panel

RECOMMENDATION ON SITUATION #20

Recommend that where unauthorized occupancy already exists, that occupant be given the opportunity to acquire the area occupied by exchanging land of equal value. It is further recommended that BLM not allow any further cases of unauthorized occupancy effective immediately (March 28, 1974) and that BLM effect this recommendation by January 1, 1976.

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